PROPERTY OF
RECEIVED
MAY 4 1925
NEW JERSEY STATE LIBRARY
TRENTON

INDEX TO VOLUME I.

PROSECUTORS' TESTIMONY.

		Page
Robert Huntley,	direct-examination ..	6, 25
	cross " ..	9, 201
	re-direct " ..	347
	re-cross " ..	355
Floyd S. Corbin,	direct-examination ..	82, 104
	cross " ..	90, 128
	re-direct " ..	196
Thomas A. Ryer,	direct-examination ..	356, 365
	cross " ..	359, 367
	re-direct " ..	570, 600
	re-cross " ..	594
Charles W. Morrison,	direct-examination ..	601, 611
	cross " ..	606, 612
	re-direct " ..	722
	re-cross " ..	750
Arthur S. Condit,	direct-examination ..	768
Arthur Bayfield,	direct-examination ..	773
	cross " ..	777
William H. Rhoads,	direct-examination ..	783
	cross " ..	785

New Jersey State Library

State Board of Taxes and Assessment.

In re Assessment: PENNSYLVANIA RAILROAD SYSTEM, CENTRAL R. R. CO. OF N. J. SYSTEM, ERIE RAILROAD SYSTEM, NEW YORK, SUSQUEHANNA & WESTERN RAILROAD SYSTEM, LEHIGH VALLEY RAILROAD SYSTEM, DELAWARE, LACKAWANNA & WESTERN RAILROAD SYSTEM, NEW YORK CENTRAL RAILROAD SYSTEM.	Testimony.

Trenton, N. J., Wednesday, January 4, 1922.

Present: Mr. Baker, president; Mr. Jess, Mr. Mutchler, Mr. Margerum, Dr. Barber.

Appearances:

Albert C. Wall, Esq., for the Pennsylvania Railroad System, New York Central Railroad System.

Robert J. Bain, Esq., for the Central R. R. Co. of N. J. System, Erie Railroad System, New York, Susquehanna & Western Railroad System, Lehigh Valley Railroad System.

M. M. Stallman, Esq., for the Delaware, Lackawanna & Western Railroad System.

Edward P. Stout, Esq., Deputy Attorney General, for the State of New Jersey.

NOTE: The appeals by above companies are all general in their nature. Each appeal charges that the assessment for 1922 is in excess of the true value of the property; that the principles upon which the valuations of the Board were made are erroneous; that the property was not valued for assessment under general laws by uniform rules, and therefore the valuations are in violation of paragraph 12, Section 7, Article IV of the Constitution of the State of New Jersey; that the valuations are at a rate in excess of the rate of assessment of property of like character similarly situated; that they are not in the same relative proportion of true value as that by which other property in the same taxing districts was assessed; that the valuations are without warrant or authority of law; that the statutes under which the valuations were made, as amended and supplemented by the Act of April 2, 1921 (Chap. 138, P. L. 1921), are unconstitutional, because they give the railroads no opportunity to be heard as to the taxes; in violation of the Fourteenth Amendment to the Constitution of the United States.

Mr. Stout: If it please the Board, I desire to have read into the record the deputization of the Attorney General deputizing me as such to appear here on behalf of the Attorney General. This deputization has been filed. I would like to have it read in the record.

STATE BOARD OF TAXES AND ASSESSMENT.

CENTRAL R. R. OF N. J.
(Lafayette Branch)
(Newark & N. Y. Br.)
(West Side Conn. Br.)
D. L. & W. R. R., Lessee Morris & Essex R. R.,
D. L. & W. R. R., Lessee Morris & Essex R. R.
(Boonton Br.)
DOCKS CONNECTING RY. (Erie System)
ERIE R. R. Co., Lessee of Paterson & Hudson Riv.,
HUDSON & MANHATTAN R. R. (unclassified)
LEHIGH VALLEY R. R. OF N. J.
(Communipaw Branch)
(Edgewater Branch)
(National Docks Branch)
(National Storage Br.)
Lessee Morris Canal & Banking Company,
LONG DOCK CO. (Erie System)
NEW JERSEY JUNCTION R. R. Co. (N. Y. C. System)
NEW YORK BAY R. R. (Pennsylvania)
NEW YORK & GREENWOOD LAKE RY. (Erie)
NEW YORK, SUSQUEHANNA & WESTERN R. R.,
NORTHERN R. R. OF N. J. (Erie)
PENHORN CREEK R. R. (Erie)
UNITED N. J. R. R. & CANAL CO.
(Trenton to J. C.)
(Harsimus Branch) (Penn.)

vs.

STATE BOARD OF TAXES & ASSESSMENT.

On Review of Assessments for the Year 1921.

I, Thomas F. McCran, Attorney General of the State of New Jersey, do hereby deputize Edward P. Stout as Deputy Attorney General of the State of New Jersey to attend the meetings of the State Board of Taxes and Assessment, on review of its assess-

ments for the year 1921, of railroad and canal property, on complaint of the above-entitled companies.

(Signed) THOMAS F. McCRAN,
Attorney General of the
State of New Jersey.

(Received, December 27, 1921. State Board of Taxes and Assessment.)

Mr. Wall: We thought the most convenient way for these cases to be presented—and I make the statement simply in the interests of clarifying the method of presentation—would be to begin at the north end of the water front and come down to the south and produce the experts as to that geographical line of properties, and then having done that the specific appeals of the railroads would be taken up. For instance, after we have come down from north to the south and given you the general values per acre of the water front property, we would then produce the particular matters in which the specific railroad is interested. For example, after following the geographical line of presentation, then we would take up in accordance with the Board's calendar the Pennsylvania properties and then the rest of the railroads would follow; and so the cases could all be tried together as far as they were similar and we could avoid the duplication of the testimony.

Mr. Bain calls my attention to the fact that it ought to be made plain that we want the testimony together so that it can be used in any one of the cases. I thought I had made that plain. That, of course, is

the intention. We want to get all the general testimony together so that all the appellants can use it and the Board, in the particular blocks affecting the particular properties.

Now, at the outset, I want to offer a list of sales. The other side hasn't seen these sales and naturally I don't offer it except subject to their objection and correction. It is a mere matter of convenience to offer it now, and I take it that anything that they can point out in this list of sales that is improper will be pointed out later. I offer it subject to correction.

Mr. Stout: I desire to have noted at this time an objection as to its incompetency, immateriality and irrelevancy. If it is later developed that this is merely used as a matter of convenience, why my objection may be modified.

Papers above referred to, received in evidence and marked Exhibit P1.

Mr. Bain: Before proceeding with the testimony, I desire to give the Board statements of the various items of the assessments against which the Lehigh Valley Railroad System, the Erie Railroad System and the Central Railroad of New Jersey System, and the New York, Susquehanna & Western Railroad System, respectively complain.

Mr. Stout: In other words, you are specifying the particular pieces of property the valuations of which you complain.

Mr. Bain: Exactly; and also some errors in the assessment as to area, and where structures were removed and should not be assessed.

Mr. Stout: You want to make these papers a part of your appeal papers?

Mr. Bain: These papers will be a part of the record.

Mr. Stout: I have no objection to that as a mere statement.

Mr. Bain: I will be glad to hand you a copy of them. I might say that as to the Central Railroad Company of New Jersey there is also a complaint against the assessment of some lots in Elizabeth. They are shown on the schedule, but that will be developed later.

ROBERT HUNTLEY, sworn for the appellants.

Direct-examination by Mr. Wall:

Q. Where do you live? A. Ridgewood, N. J.

Q. What is your business? A. Real estate broker and appraiser, connected with the office of Joseph P. Day, 67 Liberty Street, New York, and have been so engaged for twenty years last past, with that office.

Q. Have you had any experience in appraisal of water front property? A. I have appraised a great many water front properties.

Q. Where? A. All about New York Harbor and various other places. I have appraised properties on the Bronx River, on the East River, on the Manhattan side of the Hudson, on the Harlem River, on the Jersey side of the Hudson, on Staten Island Sound, on the Kill van Kull, on the Hackensack River, on the Passaic River, on the south side of Staten Island, on the Brooklyn shore, Newtown Creek, Whale Creek, English Kills, Bronx River, Westchester Creek. I have appraised water front lands in Edgewater, New Jersey, on the Delaware and New London Harbor and Gloucester Harbor.

Q. What is the business of Joseph P. Day? A. Real estate auctioneer and broker. We conduct a very large business in the industrial, in the sale of industrial properties and we have a very large private sales force.

Q. And you have been connected with that office how long? A. Twenty years last past.

Q. What special work have you had in connection with the office activities? A. I have charge of all the appraisal work.

Q. And have you had any experience in private selling of water front properties? A. Personally I have not sold many water fronts. I sold a piece of property on the Bronx River about a hundred acres—on the Westchester Creek, I should say. I sold a piece of about six acres at the East River and Westchester Creek. I sold the Standard Aircraft Company at Elizabeth. They had a small piece of water front in connection with their plant. Our office, of course, have sold a great many water fronts. We have been agents for the Newark Meadows Company for a great many years, and have sold properties there to the Niles, Bement Pond Company, the Ford people, the Trexler Lumber Company, the Seaboard Chemical Company; and we sold the La Tourette property, the La Tourette Hotel property, on Staten Island Sound; sold the Larkin Soap Company property to Lever Brothers.

Q. Where are they? A. They are at Edgewater, on the Hudson River front property, at the entrance to the Gwanus Canal, on the East River in the Borough of Brooklyn; sold property at Broadway, in Brooklyn, the old Ferry Company's property; sold the American

Malting Company property at 62nd Street and the East River; property on the Bronx River to the Dollar Steamship Company. And our men—we have sold a good deal of property; have sold property up on the Hackensack River to a chemical company, sold property on Staten Island Sound to the New York Edison Company.

Q. During the last ten years what portion of the real estate work have you specialized in? A. I have specialized in the appraising of property, and particularly I have specialized in the appraising of manufacturing plants, water fronts.

Q. And in making such appraisals, was it a part of your duty to investigate and pass on sales made by others? A. It was.

Q. Study the sales? A. It was. I have gathered information regarding sales of property wherever I could get it from, the published records and from inquiries made of buyers and sellers and of other brokers and have kept a record of the transactions.

Q. Have you been a student of the industrial and water front sales in New York harbor? A. I have. I have made a very close study of the industrial and water front situation around New York harbor.

Q. And your experience covers the Borough of the Bronx? A. Yes.

Q. Queens? A. Yes.

Q. Borough of Brooklyn? A. Yes.

Q. Staten Island? A. Yes.

Q. And New Jersey? A. Yes.

Q. You haven't given all the sales which you had personal knowledge of in these different places, have you? A. I don't think I have. I have made up a list of those sales and unfortunately I haven't that list

with me, but I testified to what I could quickly from my memory.

CROSS-EXAMINATION by Mr. Stout:

Q. Have you bought or sold any shore front property located in Jersey City during the past three years? A. Personally?

Q. Yes. A. I have not. My office has, but I have not. I have done the appraising.

Q. Have you bought or sold shore front property located in Hudson County during the past three years? A. I have not, no. Personally I have not.

Q. And what shore front property located in Jersey City has the firm of Joseph P. Day sold during the past three years? A. They have sold on the Hudson River but not in Jersey City.

Q. What place on the Hudson River? A. They sold at Edgewater a piece to the Larkin—from Larkin to Swift, and Pyle's Pearline factory to Lever Brothers, and some in Bayonne, Staten Island—

Q. We are referring now to Hudson County. A. Staten Island Sound.

Q. I asked you at Jersey City. A. At Jersey City I say we have not sold.

Q. I see. In Hudson County this Larkin sale and what other sale? A. That isn't in Hudson County. That is in—

Mr. Wall: Excuse me a moment. May I hand him a list which he himself has compiled of sales that he has made so that he can refresh his memory? That would bring it all out and save time.

Mr. Stout: I don't think I need that, Mr. Wall. I don't think he does either.

Mr. Wall: Well, I ask leave to let the witness refresh his recollection.

The President: I don't think there is any objection.

Mr. Stout: Well, I submit that I am examining this witness, and I think it is improper for counsel to tell me how the witness shall be primed so I can proceed to examine him.

Mr. Wall: It is only in this interest, that the man is on the stand and he may remember or he may not, and if he forgets, I simply have to take this thing and check it off and ask him if he has made the sale, and take up a lot of time. I am perfectly willing to do it the other way if Mr. Stout doesn't want to do it that way.

Mr. Stout: I think I will go ahead.

Mr. Wall: All right, I won't press it.

Q. What sales of shore front property located in Jersey City have you studied? A. Sale of the American Coal Company to the International Elevating Company of property at the foot of Essex Street and of Morris Street. Certain sales in the (referring to papers)—

Q. Are the sales that you have made a study of of property located in Jersey City in this book that is in the hands of Mr. Wall? A. I think not.

Mr. Stout: You see, we didn't need that book.

Mr. Bain: What book?

Mr. Stout: The book Mr. Wall wanted to give the witness.

A. Those matters are just for our own records—

Q. Qualification? A. Qualification—things that we had done. As I understand, there were water front properties that you asked me about particularly.

Q. Yes. A. It was sales that I wanted to find that were made—I think that one I had of the International Elevating Company was the only sale of water front which I considered recently, because I think that was the only sale that I found. I found sales further up the river and further down the river that applied really in the part of Jersey City.

Q. That sale was made in 1916, wasn't it? A. 1916, yes.

Q. And to the best of your recollection that is the only sale of shore front property located in Jersey City that you have made a study of? A. Oh, there were some sales further down—

Q. I mean in Jersey City.

Mr. Bain: Let the witness answer.

A. Well, there is a sale further down at the lower end of Jersey City, at Greenville—those sales to the Lehigh and down in there, but of the water front in what might be termed the thickly settled part of Jersey City, I think this is the only sale which I found.

Q. Did you use the sales of this property in Greenville to arrive at your value of properties? A. Oh, yes.

Q. You did? A. Yes, in that particular neighborhood.

Q. When did you start to make this study of these sales? A. Oh, I have been compiling the sales—

Q. No, no, no, no, just a minute. We have two sales here the Elevating sale—to the International Elevating Company—and the sale down at Greenville.

Mr. Wall: I submit he ought to be allowed to answer.

Mr. Stout: I want him to answer. I am asking him when he started to make a study of those sales.

Mr. Bain: Limiting the question to those particular sales.

Mr. Stout: Oh, yes.

A. In the past year.

Q. Started on those the last year? A. Yes, about a year ago, or more than that, I started compiling those two particular sales.

Q. What do you know about the International sale, sale to the International Elevating Company? A. Well, that was a sale made in 1916, made by the American Coal Company to the International Elevating Company, a grain elevating company, and it comprised a plot about 269 feet on the river front, ran back from the river front 220 feet to the bulkhead line, 345 feet beyond that, making about 565 feet from the pierhead to the bulkhead line, and then it ran back 168 ½ feet along the center line of Morris Street and along the center line of Essex Street. It comprised a strip of upland at the rear 100 by 100, inside of what made up the old street line, and it had

two piers on it. It was sold to this grain elevating company for their particular purposes. They paid for it $300,000.

Q. How much is that an acre? A. It was at $68,200 per acre. It was 4.3967 acres.

Q. Where did you get this data from? A. This data was furnished to me by the broker who made the sale, Mr. Corbin.

Q. Have you ever examined the deed transferring this property to the International Elevating Company? A. I have not.

Q. You don't know what area is described in the deed, do you? A. The area as given to me here.

Q. No, no, now answer me. A. I haven't read the deed, no. This is given to me as a transcript of the property that was sold by the man who was the broker in the transaction.

Q. If you knew, as a matter of fact, that all the International Elevator Company got was eight city lots in that transfer, would your idea as to the value of the property be changed? A. If they paid $300,000 and only got eight city lots?

Q. Yes. A. As to the value of this property?

Q. Yes. A. Why, I should think that they paid too much for it; eight city lots.

Q. Well, would your judgment be changed? Answer my question.

Mr. Wall: I submit he has answered.

Mr. Stout: He said he paid too much. You think that is the answer?

Mr. Wall: Just the same as saying that—

Q. Do you know anything about the value of lots there? A. In this section? I have kept myself fairly well posted.

Q. I mean what is the source of your knowledge as to the value of lots in that particular locality? A. Why, I appraised some property over on Hudson Street for the Hillier Drug Company, and I have made inquiries from time to time regarding sales in that particular neighborhood, and I found that lots in around on Hudson Street there were worth in the neighborhood of $7,500 a lot.

The President: Well, the Hillier Drug Company, that doesn't mean much to us. Perhaps it may mean a whole lot to Mr. Stout. Where is that located?

The Witness: That is on Hudson Street at the corner of Morris Street.

The President: And you are now considering a sale at Essex and—

The Witness: Morris.

The President: And Morris?

The Witness: Yes. It is on the opposite side of the street, had no water front connection whatever, and I understood—I have made inquiries about it, personally.

The President: Well, that is what I had in mind. I knew that the Hillier Drug Company had no water frontage and if it had it would have been a brand new thought to me.

Mr. Stout: I think, at least, I suggest that the witness ought to be confined to his testimony to shore front property. That is what is here under consideration.

Mr. Wall: Well, wait a minute. He said if he considered the International as eight city lots would that change his valuation. My attempt was to qualify the witness as a water front expert. I didn't attempt to qualify him as an expert on the value of city lots in Jersey City.

The President: Perhaps I am responsible for precipitating this. When he mentioned the Hillier property I wanted to check up.

Mr. Stout: I think the question was clear in everybody's mind but Mr. Wall's. I will ask the question then.

Q. In your opinion if all the International Elevator Company got in that transfer was eight city lots, fronting on the bulkhead, would your valuation, would your opinion as to the valuation of that property be changed? A. On what property? The International Elevating Company or water front property on the Hudson River?

Q. The International Elevator Company property, that particular piece of property.

Mr. Wall: That is a very confusing question.

A. I can't answer that with any—

The President: Well, you can't; that is all.

Q. You can't answer that question? A. No.

Q. So that if the International Elevator Company by its deed got something other than what you think they got as shown by your data there, why you would then have no idea of its value? A. I can't answer any question of that sort, assuming things that I don't

know anything about. I am informed reliably that this sale was made in this way and for this consideration and included so much property.

Q. Do you know what kind of a title they got to it? A. I did not read the deed; I understand they got a good title.

Q. Are you assuming that they got a warranty deed for the whole area which you have described here? A. I am assuming that they got a title which enables them to hold and use all the property that I have described. It was a perfectly good title and satisfactory to them.

Q. Now, what do you know about the sale of this property down in Greenville? A. (Witness refers to papers.)

The President: Isn't there some way we can expedite the answers of this witness?

The Witness: Why, there ought to be, your Honor, but I had these things in formation, and I wasn't going to get on here this morning quickly and I can't find all these datas right here, unfortunately.

Mr. Bain: Why can't Mr. Stout direct the attention of the witness to the particular sale? I think we all know them.

The President: Yes. You speak now of the sale in Greenville, don't you?

Mr. Stout: Yes, yes; and it seems to me it ought to be directed to the witness's mind. He only mentioned one sale.

Mr. Bain: Well, the witness mentioned the sale in the Greenville section to the Lehigh Valley Railroad. There doesn't seem to be much use in taking up a lot of time with this thing. The sales have been before this Board

constantly. I have no doubt this witness knows about them the same as any other man who has given any attention to the subject knows.

The President: Well, I suppose it is a matter that you gentlemen have control of, but I am anxious to accelerate things as much as possible.

Mr. Stout: So am I.

The Witness: These properties which I had in mind down here in Block 1507—now, we have a sale there, Currie, grantor, to the Lehigh Valley Railroad Company, of an area of 6.320 acres of land for $41,080, which is at the rate of $6,500 per acre. We have a sale by Duryea to the Lehigh Valley of a plot containing 1.030 acres of land at $130,000, which is at the rate of $126,213 per acre, and we have a sale to the Lehigh Valley of 289.620 acres for a consideration of $2,569,149, which is at the rate of $8,870 per acre. Then we have a sale of 13.200 acres for a consideration of $99,590, which is at the rate of $7,545 per acre. Then we have another sale of 187.980 acres for $1,003,866, which is at the rate of $5,340 per acre. And we have a sale of 28.763 acres for $411,500, which is at the rate of $14,306 per acre. Then we have a sale of 8.479 acres for $63,669, which is at the rate of $7,500 per acre. Then they acquired certain easements from the City of Jersey City. That made a total purchase there for the Lehigh Valley which they intend to use for yards—there was a fringe of upland and the balance was land under water, they acquired 540 acres—540.938 acres for $4,318,854. The average price for that is $7,984.

Q. And those sales were back in 1916, weren't they? A. 1916, 1917, 1918, 1921, purchased at different times, making up that entire purchase. They began in 1916.

Q. But the bulk of them were made in 1916? A. In about 1916.

Q. Yes. And where did you get your data as to those sales? A. I got that from Mr. Ryer.

Q. And when did you get it? A. I got those something like two months ago.

Q. And is it not a fact that you didn't start to make a study of these sales which were made back in 1916 until about two months ago, when you were employed by the railroad to appear here as an expert? A. Oh, no; I had been studying up and making inquiries about these sales, but I never had the exact information in just this way. I had it in this—in these same sales, in a general way three years ago.

Q. But you didn't have any exact data, though, upon which you could make a real study of these sales until about two months ago, did you? A. On this particular matter I got this exact data about two months ago.

Q. And do you know that a large portion of the property referred to in those sales was sold subject to taxes amounting to several hundred thousands of dollars? A. I have been informed that there were taxes against the property.

Q. And was a part of the consideration for the sales?

Mr. Bain: Objected to on the ground that it calls for a conclusion.

Mr. Stout: Would it call for a conclusion if it is stated in the deed as a part of the consideration?

Mr. Bain: You are asking this witness whether or not the taxes formed part of the consideration for the sale.

Mr. Stout: Yes, as shown by the deed.

The Witness: I didn't read the deed.

Q. And if the deed did show as a part of the consideration the taxes against the property, would that in any way change your opinion as to whether the property was sold at its market value or not? A. No, I took those matters into consideration—the consideration given me as the total consideration for the property.

Q. Now, this sale to the International Elevator Company and these sales that you have just testified to of Greenville property are the only sales of shore front property in Jersey City— A. I think—

Q. —that you made a study of? A. I think those are the only sales I found in Jersey City in any reasonable distance.

Q. Are you familiar with the sale made in 1921 of the Lehigh Valley to the Standard Oil Company? A. What sales do you mean? Down in Bayonne?

Q. Yes. A. Well, you have asked me about Jersey City.

Q. Well— A. Yes, I was informed that the Lehigh Valley Railroad Company had sold something to the Standard Oil Company.

Q. Have you got the data there of that sale? A. I believe I have (refers to papers).

Mr. Stout: Has he got it, Bob?

Mr. Bain: I don't know whether he has it with him or not.

Mr. Stout: Well, you didn't give it to him?
Mr. Bain: Personally I didn't, no.

Q. Well, let it go. Do you know the sale of the New York Bay Railroad Company to the Lehigh Valley in 1920? A. The New York Bay Company?

Q. In Jersey City, yes. A. The New York Bay Railroad Company—I don't recall it by that name.

Q. You do not? A. No.

Q. Do you know the sale of Currie to the Tide Water Oil Company, Jersey City? A. Currie to the Tide Water—well, I had a record of a sale of Currie, but that wasn't—

Q. That is another sale? A. Yes, I had a record of a sale of Currie to the Tide Water Company, but that wasn't water front property; property lying back of the Morris Canal.

Mr. Stout: I submit, may it please the Board, that this witness is not qualified to testify as an expert as to the value of water front property in Jersey City. The cross-examination has developed that he has only made a study of the sale of the International Elevator Company and the sale of property to the Lehigh Valley in Greenville, that those sales were made mostly in 1916, that the source of his information may be reliable or not; he says he got it, some from Mr. Ryer and the other, I think, he said he got from a broker. He has made no examination of the deeds showing the transfer of this property, so that he can be accurate as to the consideration. And there is no evidence that he has examined these particu-

lar pieces of property to show that he is conversant with the potentialities and the uses to which they are being devoted. It seems to me, boiled down to the gist of what he has said, that he has been called into conference with the other so-called experts of the railroad, and he is merely echoing here what they will testify to. I think he has not shown such a substantial foundation that he ought to be admitted here as a witness to testify as to the value of shore front property at Jersey City.

The President: What do you say as to his qualification as a student of sales?

Mr. Stout: Unless the study is confined to the property in question, in other words, unless it be a sale of substantially similar properties, why, his study of a sale of property in Staten Island, or the Bronx, or on Harlem River, or on the East River, manifestly would be of no criterion, of any help to arrive at an opinion as to the value of property located in Jersey City, and I think our courts have held that property on one side of the Hudson River is no criterion of the value of property on the other side. The fact that he has been making a study of properties over in New York—he may be qualified over there but he isn't qualified here, because when you come down to it he says the Greenville property—he started in there about two months ago. He wasn't familiar with the situation there at the time of the sales, he wasn't as far as the testimony goes, he hasn't shown that he was conversant with

the facts, or any of the real elements which go to determine the value of property.

The President: Well, he has shown, I think, some knowledge of sales on the Jersey side, beginning at Edgewater and terminating at Bergen Point in odd spots. That is what I recall. I think he spoke of the Larkin sale, and he finally terminated with the sale of the La Tourette property. Those sales were all on the Jersey side. Have you anything to say, Mr.—

Mr. Stout: Might I supplement that?

The President: Surely.

Mr. Stout: That data was given to him by someone else.

The President: But he was, as I recall it, a student in quest of this particular kind of knowledge.

Mr. Stout: Yes.

The President: And I suppose he went to the most available fountain to acquire it.

Mr. Stout: Well, if such a study is all that is necessary for an expert, then I think none of us would have any trouble. I could talk to my friend, Mr. Ryer, and get the data from him. I could come in here and I could say that I was an expert. It means more than that. It means that he must have a positive, reliable source of knowledge. If he knew the property at the time of the sale, knew all the sales around there, had either conversed with the parties to the sale, or people who had sat in at the sale that knew the real consideration, that knew the area which they were getting, why, he

admits that the taxes, at least he is so informed, he doesn't know as a matter of fact, that the taxes were a part of the consideration, yet they are not taken into consideration here in these valuations which he has given. It is all along the line—I say that anyone can be an expert by just talking to Tom Ryer, or getting some data from Tom, and coming in here and testifying.

Mr. Wall: But everyone hasn't had twenty odd years' experience as a real estate man and ten years' specializing as an appraiser. Now, what Mr. Stout does is to mix up the two kinds of testimony. There is the testimony as to sales where a man has actual knowledge and any one of us can testify as to that, although we know nothing about value, because we know that John Smith paid so much. That is actual knowledge. The other kind of evidence is opinion evidence, and opinion evidence is what this man is offered for. He gives an opinion as to certain matters, and when you are giving opinion evidence, you don't have to have actual knowledge of the thing itself, you assume certain facts. If the assumptions are wrong, why, then the wrong quality of the assumptions is pointed out, and the weight of his testimony is affected. The amount of weight that you shall give to it is affected. The most of Mr. Stout's objections goes to the weight of the thing, but there is no question that this man is an appraiser, an expert appraiser, that he has specialized in water front property, and he has assumed in his study that certain facts are true in connection with

the sales that he has referred to. Now, to say that he can't give an opinion because he didn't know what the sale was by being present, and seeing the money passed, is to mix up opinion evidence and original evidence. I would like to ask him one further question which I omitted.

The President: Pardon me, I have no desire to be discourteous, but as the matter of the qualification of this witness, or his admission as an expert, is something that is solely within the control of the Board, I think we will dispose of that now, without further argument.

(After conferring with members of Board):

The Board inclines to the conclusion that the witness has exhibited some line of knowledge which qualifies him to testify.

Mr. Wall: I would like to ask him one further question along the line of his qualifications.

Mr. Stout: May I have my objection noted on the record, or exception, to the ruling of the Board?

By Mr. Wall:

Q. On how many cases have you testified as an expert appraiser on real property, about? A. Oh, I should say 300 cases in which the values of real estate were a matter of testimony.

Mr. Bain: One remark was made by Mr. Stout I don't think ought to pass unnoticed, and that was the suggestion that this witness merely sat in with other experts and echoed

their conclusions. That is not so. Whatever experts will be produced by the railroad companies in this case made independent appraisals. I don't think Mr. Stout is justified in making that remark, anyway.

Mr. Stout: I think it is more justified than your remark. I have a right to draw my conclusions. I would like to ask the witness one more question.

By Mr. Stout:

Q. Have you made an appraisal of shore front property in Jersey City during the past three years, located in Jersey City? A. I have made an appraisal of the—no, that is in Bayonne. Let me see, in Jersey City proper except the appraisals in this particular case I don't think that I have appraised a piece of water front property. I have appraised properties at Edgewater, Hoboken and—

Q. Well— A. I have been thinking; you asked me in Bayonne and I have appraised properties in Bayonne.

Q. Well, you don't have to think out loud. A. Pardon me.

Q. It doesn't need to go on the record? A. Pardon me.

DIRECT-EXAMINATION continued by Mr. Wall:

Q. Have you made an appraisal in this case of properties along the Hudson County water front? A. I have.

Mr. Bain (producing map): I might say to the Board that this is a comprehensive map of the whole water front in Hudson County, run-

ning from Bergen Point in Bayonne up the river to the Hudson County Line, and a little beyond.

Q. What is the most northerly point property which you appraised, Mr. Huntley? A. The most northerly property—of these properties?

Q. Of this water front property on the west bank of the Hudson? A. The most northerly property that I have is the upper end of the Weehawken Yards.

Q. Of which company? A. Of the New York Central.

Q. And you appraised from there all the way down to where? A. All the way down into Bayonne. I appraised the properties of all those railroads. That is, the water front properties.

Q. Have you got— A. Down including Fort Johnston.

Q. Have you got your figures in such shape that you can begin at the north and come south? A. Well, about these figures, I have put each railroad company's figures—

Q. Together? A. Together.

Q. Well, then, begin at the New York Central properties.

Mr. Stout: Well, I object. We are trying here the appeals on the complaint of the New York Railroad and the Pennsylvania Railroad.

Mr. Wall: When the outline of the method was proposed, Mr. Stout made no objection, and as I stated in opening, the purpose of the thing is to save time. Now, if we try these separate cases and one railroad finishes and goes away, then it means that you have to go over the general figures of

the case again and again with each railroad, and it seemed to us that the most sensible way to do was to begin and go down the water front once with general appraisals, pick those that affect all the railroads, and then after we had gotten that presentation out of the way, to take up, for instance, the specific Pennsylvania properties and ask for the appraisals on those properties, and next would come the next railroad. Now, I imagine that the Board would let us present the case in our own way, so far as that is concerned, but as I say that way is simply designed to save time, and to get it in the least possible space. Otherwise you will have arrangements that one railroad is entitled to use the expert testimony in the other cases, and all the other cases, and it becomes a perfect hodge podge. It is difficult enough where you are dealing with a great many separate parcels of property, each one of which constitutes, in a way, a case by itself, and we don't know any better way to do it than this, and we don't see how it affects anybody else's rights unfairly, because there is no surprise about these things. It is just a method of arrangement of proof. If the Board has any suggestion as to a better way, it can comply with that better way, why, we will do so, but of course, we would prefer to do it this way, because this is the way we are prepared to present it. I think Mr. Stout will not have any serious objections to this method of presentation.

Mr. Bain: I thought it was understood at the start that the plan outlined by Mr. Wall was

satisfactory to counsel for the city. That is, to present the testimony of all of the roads at one time, so that the testimony could be used in each case, and in all the cases. I didn't know that there was any objection. This review involves the value of substantially all the water front on the Hudson River and New York Bay in Hudson County. It seems to me that there is no necessity for separating the cases into half a dozen component parts with repetition of much of the testimony in the separate cases. I might say that there has been a tremendous increase in the assessed value of this water front this year. Of course, all of the roads complain against that increase; in fact against any increase. The increase has been twenty millions of dollars in Jersey City alone.

Mr. Jess: Well, Mr. President, I would like to hear what the objection is to proceeding in this way?

Mr. Stout: Well, when I am permitted to speak I will state it. I didn't object at the time Mr. Wall outlined his so-called magnificent plan, but I thought the proper time to object was when the specific question was asked. I thought it was the orderly way of procedure. It seems to me that the real objection to this plan is that you are going to have these experts, so-called, testifying to each piece of property beginning at the upper end and going to the lower end, putting a value upon each piece of property, and then calling experts to testify as to the specific value, or the value of a specific piece of property. I don't see how it

is going to help the Board very much because I thought the standard by which you would determine the value of a particular piece of property would be by the sales of property itself, or by the sales of comparable or substantially similar property. And don't we come down to that when we take the Pennsylvania property, or the property of the New York Railroad Company? Won't we have to show the sales of substantially similar property in order to arrive at the value? Now, what you are going to have when you get through with this, as I see it and we are going to get into that controversy anyhow, we are going to have their experts come forward without showing any similarity between one piece of property and another; they are going to put the value from the beginning to the end. Now, they might put ten thousand dollars an acre, or they might put three thousand dollars an acre, and what does it amount to except their opinions? And you know opinions don't amount to very much unless they are based upon facts, and I think that the cases ought to be tried individually.

Mr. Jess: Well, Mr. Stout, what different result do you get if this witness, for instance, testifies as to the value of the New York Central or the Pennsylvania property, and then leaves the stand, and then is called in another case, and cross-examined in that case? Isn't it better for the record, won't the Board get a clearer understanding if the witness is permitted, as is proposed, to go right down the

water front and give his idea of the value?

Mr. Stout: Don't I, Mr. Jess, want to ask the witness the comparability of property, how one property is comparable with another, and I will have to take each piece of property. How do you arrive at your value? What property do you take for that? And you will have them all in a hodge podge.

Mr. Jess: Maybe you will, but it does seem to me you will get more of a hodge podge when you separate it.

Mr. Stout: Well, I am here attempting to help the Board if I can. If the Board doesn't want me to help in that way, why, all right.

The President (after conferring with members of the Board): The Board feels that the plan outlined by Mr. Wall has for its object some degree of clarity, and its introduction will not obscure the facts that the Board is striving to arrive at. For the present we will proceed as outlined by—

Mr. Stout: I desire to have noted on the record that I object to this procedure, that each case should be taken up individually.

The President: The objection may be noted.

Q. What value per acre, Mr. Huntley, did you put on the property of the New York, Susquehanna and Western in Edgewater? A. On the New York—

Q. Susquehanna and Western, in Edgewater? A. Why, I haven't the New York, Susquehanna and Western.

Q. What? A. I haven't the New York, Susquehanna and Western.

Mr. Bain: That is in Bergen County. You didn't go up that far?

The Witness: I didn't go into Bergen County.

Q. And you didn't value it? A. The properties which I have been asked to appraise were the properties in the New York Central.

Q. Well, now, the New York State Realty and Terminal Company. Have you got an extra map for the Board? A. Well, I can give them sectional maps for that (laying maps before the Board).

Mr. Bain: Here is a better one. This one is pasted together and it is complete. That one is in loose sheets (laying map before the Board).

Q. The New York State Realty and Terminal Company? A. That is a piece of property purchased by Twombly. I don't touch that.

Q. You have no value on that? A. No.

Q. Now, then, take the next one? A. Any objection to my going along and looking at the map for a moment and see where we start (witness refers to map).

Q. What is your figure, Mr. Huntley, per acre for the Weehawken Yard, New York Central? A. $40,000 per acre.

Q. Now, then, what is the value per acre for the Erie Railroad piece as shown on the plan?

Mr. Bain: In Weehawken. The property referred to is that assessed as the New York,

Lake Erie and Western Dock and Improvement Company property.

Mr. Jess: That is shown on the map?

Mr. Bain: Shown on this large map as Erie Railroad, I think.

A. I have nothing except the main yards of the property in and around the Pavonia Avenue.

Mr. Bain: The property I have just referred to is property that you didn't appraise?

The Witness: I did not appraise.

Mr. Stout: If the Board please, I understood the offer of Mr. Wall to be that we were going to have an appraisal put on each piece of property in continuity right down the shore front.

The President: I think it ought to be in continuity.

Mr. Bain: These are properties the assessments upon which are complained against at the present time.

Mr. Stout: Then why didn't you so state? That wasn't the offer.

Mr. Wall: I thought it was.

Mr. Bain: There is no necessity for our discussing the value of property that is not in issue in these matters.

Mr. Stout: Then we are coming down to the question that we are going to have the values put on only the properties here under appeal the values of which are complained of. It comes right back to the original proposition.

Q. Well, now, Mr. Huntley, what value per acre did you put on the Lackawanna piece in Hoboken? A. Just a moment. On a portion of the Weehawken yard there right at the ferry I put on $45,000 per acre. I said $40,000 up at the upper end of that property. When I get down here at the ferry piece, I have $45,000 per acre.

Q. Now, where did you begin to place a valuation of $45,000 on the Weehawken yard of the New York Central? A. That is the 14.715 acres, including the ferry, right at the foot of Clifton road. That is the first piece which I was asked to look at.

Q. And that you appraised at what? A. That at $45,000 per acre.

Q. And all the rest of the— A. The rest of the water front is appraised at $40,000 per acre.

Q. There are a number of pieces to the west of the tracks that are appraised at different prices? A. The most of it is $2,500 per acre.

Q. Well, can you identify those pieces? A. Well, I have them all. They are handed to me as Sheets No. 1, No. 2, No. 3, No. 4 and No. 5, and are identified here by the lot numbers, but I can't just locate them on the map.

Q. Well, can you give it by acreage? A. The first piece which I have is the property at the ferry house. If we start there and go north—

Q. Well, you go your own way? A. Yes. I have there 20.795 acres at $45,000 per acre.

Q. That combines the ferry piece and the piece in the back? A. And the piece in the back, that being generally bounded by the main stem of the New Jersey Junction, the main stem of the West Shore

Railroad, the river front including the harbor, and then the line of Clifton Avenue where it turns down on towards the river front.

Q. That is the West Shore Railroad property? A. Yes. And the next piece that I have is the parcel lying north of the main stem and—

Q. What is the acreage of it? A. The acreage there is 95.720 acres, which I valued at $40,000 per acre.

Q. That again is a combination of the 22-acre plot on the water front and the 37-acre plot back? A. And the 37 acres back, yes, sir.

Q. Then I have—

The President: Mr. Witness, have you any means of identifying the properties on the map before us?

The Witness: Yes, if your Honor please. (Witness points to map.) The first property takes in all of that (indicating). That is $45,000. Now, the next parcel takes in there, and there, and there, and this is $40,000 per acre.

Mr. Wall: Well, now, we haven't got that on the record. Oh, he did testify to that, didn't he?

The Witness: I testified to those two.

A. (Continuing.) Now, the next tract—

Q. You haven't bounded the last tract. It is bounded on the north by the West New York line? A. By the West New York line.

Q. Yes, and on the west by what? A. On the west by the main stem.

Q. Of the West Shore Railroad? A. Of the West Shore Railroad, and on the south by the main stem. There is a main stem there making a curve.

Q. Now, you spoke of smaller pieces in the back. Just identify those by the acreage and give the prices per acre? A. The next parcel I have is this parcel which contains .370 acres, which I valued at $2,500 per acre.

Q. That is in Weehawken? A. That is in Weehawken. And the next parcel which I valued would be at the west of the main stem of the Jersey Junction Railroad and between the two branches of the "Y" of the West Shore, and that contains .155 acres, and was valued at $2,500 per acre. The next parcel lies along the west line of the Jersey Junction Railroad and just north of the "Y" of the West Shore Railroad. That contains 1.258 acres. The next—

Q. What is the value of that, for the record? A. $2,500 per acre, pardon me. I thought I had given it. The next parcel—this apparently is a misprint, that is a parcel which I thought was 2.68 acres here as it was given to me, and the parcel I appraised had 2.68 acres.

Q. Well, if your acreage is right it won't make any difference? A. My acreage differs from the acreage shown on the map.

Q. What did you value that at? A. $2,500 per acre.

Q. And what parcel are you now referring to on the map? A. I am now referring—on the map I am referring to the parcel which lies west of the New Jersey Junction Railway, commencing at about Clifton Street and running up fairly well to the main stem of the West Shore Railroad. It is shown here as

New Jersey State Library

having 2.68 acres. My understanding was that it took in all of the properties right up to the main stem of the West Shore, going into the tunnel, and it seems to be divided on this map into another parcel having .947 acres. The two would probably combine and make very nearly the area which I have, and that I appraised at $2,500 per acre.

Q. Does that complete the parcels in the West Shore yard in Weehawken? A. No. Just one moment. We now have the portion of the West Shore line laying north of the Weehawken line and running up close to the West New York line—Guttenburg line, I should say, which property contained 114.20181 acres, which I valued at $40,000.

Q. That is up to the O. and W. property south of the Guttenburg line? A. Yes. $40,000 per acre.

Mr. Bain: What does that take in?

The Witness: All of this in here, and here and here (indicating on map). All of the property east of the main stem.

A. (Continuing.) And the next property is a strip lying at the main stem of the New Jersey Junction, beginning at the west of the line between Weehawken and West New York and running north to a point about opposite Seventeenth Street. That contains 9.740 acres, and was valued at $5,000 per acre.

Mr. Wall: I might say that we will have the different valuations of the experts put on one of these plans so that it won't be necessary to match the testimony on all these points.

A. (Continuing.) The next parcel lies west of the main stem of the New York and Fort Lee Railway, and it adjoins the previously mentioned parcel at the south. That parcel I valued at $5,000 an acre.

Mr. Stout: What is the area?

The Witness: That contained 2.224 acres.

A. (Continuing.) And the next parcel lies between this last mentioned parcel and the—lying to the east of that, and adjoining the main stem of the New York and Fort Lee Railway Company. That contained 2.159 acres at $5,000 per acre.

Q. Does that complete it? A. No, there are several parcels in here yet. The next parcel is the main stem of the West Shore Railroad Company, which I valued at $40,000 per acre. That contained 8.371 acres and it comprised a portion of the main stem lying south of the line of the West New York, and running down to the West Shore Ferry.

Q. That is in Weehawken? A. Yes. The next parcel is the portion of the main stem of the West Shore lying north of the boundary line between Weehawken and West New York, and that contained 2.755 acres, which I valued at $40,000 per acre.

Q. That is in the Town of West New York? A. That is in the Town of West New York. The next parcel is a part of the main stem lying south of Clifton Avenue. It is this portion in here (indicating). It lies south and it runs back of the property which we call the King property, and it contained 2.502 acres. That is at Weehawken. I valued that at $40,000 per acre.

The President: The King property at $40,000?

The Witness: This is part of the main stem.

Mr. Singer: Just a minute, we have trouble in locating it.

The President: The last was the King property in Weehawken.

The Witness: Right in here (indicating on map).

Mr. Dunham: Part of the main stem of the New Jersey Junction Railroad, is that it?

The Witness: Yes.

Mr. Stout: Part of the main stem of the New Jersey Junction?

The Witness: New Jersey Junction. This portion right in here (indicating).

Mr. Bain: We are only speaking of the water front now.

The Witness: Well, I believe there will be one more of this water front in here.

Q. You have got one more piece? What is that piece? A. I have got two or three more pieces. I have got up to No. 18. There is one more large piece. The next parcel that I have is the main stem lying between the Town of West New York—running up to the Guttenburg line, which contained 9.970 acres, which I valued at $40,000 per acre.

Q. Main stem of what? A. New York and Fort Lee Railway. The next parcel is a portion of the New Jersey Junction Railway main stem which lies back—starts at Park Avenue on the south and runs

back of the Cunard property down in here (indicating on map), which I valued at $25,000 per acre, and that contained 16.931 acres. The next parcel is a small parcel in the main stem of the New Jersey Junction Railroad, lying just north of the West New York line, right in there (indicating). It is that piece in there.

Q. Containing what? A. Containing .243 acres, which I valued at $40,000. The next portion is a part of the New Jersey Junction main stem which lies back—it lies between the West New York line and the Guttenburg or North Bergen line.

Q. Is that the Cotton Oil Company? A. No, this contained .670 acres, right in here (indicating). I valued that at $25,000 per acre. This is the West New York Guttenburg, North Bergen line. This would be this portion of it in here (indicating). The next is a portion of the New Jersey main stem running—starting at the town, at the south line of the Town of North Bergen and running north to a line between Hudson and Bergen County, a long section there which I valued at $15,000 per acre.

The President: I think you traversed the county line there, didn't you—north of North Bergen?

The Witness: Let me see—Town of Guttenburg, Town of North Bergen and then it is up in here (indicating), Hudson County and Bergen County; it is to the north; it is the Town of North Bergen, yes. That area is 5.200 acres. Then there is one more. This comes into the third class. You don't want that at the present moment?

Q. No, we don't want that now? A. Well, that takes all of the portion given to me as first-class in that section.

Q. Now, Mr. Huntley, you valued the main portions of the yard of the New York Central at $40,000 an acre? A. Yes.

Q. And the ferry portion at $45,000? A. Yes.

Q. Now, coming down to the Lackawanna property at the foot of 11th Street, Hoboken, what did you value the main portions of the yard at per acre, and what did you value the ferry portion at per acre?

Mr. Stallman: No ferry there.

Mr. Wall: No ferry; strike out the ferry part.

A. The first portion of the D., L. & W. which I valued was—

By Mr. Stallman:

Q. The one we want, Mr. Huntley, coming down the river, is the area of 16.136 acres, at the foot of 11th Street, formerly known as the Ocean Steamship property, 16.136 acres? A. That property I valued at $60,000 per acre.

Q. And then adjoining it on the south is another tract of I think 7.61 acres, which was purchased by the D., L. & W. Railroad from the Manor Real Estate Company and is popularly known as the Manor tract. Did you put a valuation per acre on that? A. I did. That contained 7.621 acres, which I valued at $55,000 per acre.

Q. Then adjoining that on the south is a tract of

water front lands owned by the Pennsylvania Railroad Company. Have you got that valuation per acre?

Mr. Singer: What area have you got there?
Mr. Wall: 8.249.

A. I have.

Mr. Wall: That is the Hoboken Dock property?
The Witness: That is the Hoboken Dock property.

A. (Continuing.) That I valued, 8.249 acres, at $50,000 per acre.

Q. The next one is the lower ferry of the Lackawanna Railroad, 10.315 acres? A. That is the ferry property?

Q. Yes? A. 10.315 acres at $75,000.

Q. Now, the next to the south of that is the Hoboken portion of the Lackawanna yard, containing about forty acres? A. Right. That 40.068 acres at $65,000 per acre.

Q. The next adjoining that on the south is the Jersey City portion of the Lackawanna yards, about 130 odd acres? A. That is 131.840 acres, at $65,000 per acre.

Q. And the next adjoining that is the Erie yard?

Mr. Bain: North of Pavonia Avenue.

Q. The Erie yard north of Pavonia Avenue? A. 67.830 acres?

Mr. Bain: Yes.

A. (Continuing.) At $65,000 per acre.

By Mr. Bain:

Q. Now, the Erie yard, south of Pavonia Avenue? A. 16.555 acres at $65,000 per acre.

Q. And in the Erie yard there were two small parcels on the water front, one at the foot of Pavonia Avenue, and just south of the last parcel you have mentioned. What value did you place on those two parcels at the foot of Pavonia Avenue? A. 2.816 acres at $65,000 per acre. Adjoining that parcel on the south, 3.164 acres, at $65,000 per acre.

By Mr. Wall:

Q. What did you value the Harsimus yard at, containing 98.835 acres of the Pennsylvania Railroad? A. 98.835 acres at $65,000 per acre. And the main stem in that yard—

Q. No, leave out the main stem now. Not how much for the main yard of the Pennsylvania south of the Harsimus, containing 30.564 acres? A. 30.564 acres at $80,000 per acre.

Q. Now, then, the 240 feet on the bulkhead south of that containing 3.623 acres, at the foot of Exchange Place? A. I valued that at $80,000 per acre.

By Mr. Bain:

Q. And next the property of the Lehigh Valley Railroad Company known as the Big Basin property, what rate did you put on that? What value did you put on that property? A. Well, there are separate prices on different parts of the—

Q. Speaking now of the water front property at the river, at the Hudson River; that is, the 38-acre

tract, Mr. Huntley? A. At $55,000 per acre. That is the lower end of the—

Q. What was the average on the property, if you have averaged it? A. I have not averaged it.

Q. Well, in valuing the Morris Canal, the tidewater basin property, how did you make your valuation? A. I split it into three sections.

Q. Where was the first section? A. The first section lay between the line at about Washington Avenue—

Q. Washington Street? A. Or Washington Street, I should say, and the bulkhead and pierhead line.

Q. That is from Washington Street to the pierhead line? A. Yes. The second section lay west of that from up to a line at about Henderson Street, and the third section lay between the line of Henderson Street, extended in around back of Jersey Avenue.

Q. Let me direct your attention to the first section you have mentioned from the pierhead line back to Washington Street. At what rate per acre did you value that portion? A. That was valued at $55,000 per acre.

Q. Was that $55,000 an acre for the whole area, or was that excluding the area of the channel? A. That excluded the area of the channel.

Q. There is a channel through that basin 150 feet wide, isn't there? A. There is.

Q. And your rate of $55,000 an acre was applied to an area of 30.534 acres, was it not? A. That is right.

Q. Now, if you placed a value upon the whole piece, including the channel, what would the average rate be per acre? That is, what would your value

be per acre? Well, that is a matter of calculation, isn't it? A. Yes, it is. Then the question of that channel being in there, I would have to take into consideration the rights of abutting owners in that channel.

Q. Well, let me ask you, did you value the area of the basin exclusive of the channel or inclusive of the channel? A. I valued the area of the basin exclusive of the channel. I understood that that channel was a channel which had to be kept open, which was in the position of an open water way, that any ownership of the fee to the land under water was subject to easements of abutting owners, and that the railroad company was obliged to keep it dredged.

Q. And your rate of $55,000 an acre, was applied to the area less that part of the total area that is in the channel? A. Yes.

Q. Now, next referring to the property of the Central Railroad Company of New Jersey, immediately south of the tidewater basin. A. That is the main terminal property of the Central Railroad Company.

Q. What did you value the water front, at what rate per acre did you value the water front of that property? I refer now to the parcel containing 97.063 acres? A. That was valued at $50,000 per acre.

Q. Next the property immediately south of the main stem of the Central Railroad Company. That is property owned by the Central Railroad Company immediately south of its main terminal in Jersey City, containing 71.30 acres. At what rate per acre did you value that property? A. That was valued at $20,000 per acre.

Q. The next property immediately south of the last parcel that I have mentioned on the water front being property of the Central Railroad Company of New Jersey, containing 84.724 acres. At what rate per acre did you value that property? A. $15,000 per acre.

Q. Next referring to the National Storage Company property, the so-called Black Tom, in Jersey City? A. Pardon me?

Q. At what rate did you value that property? A. There are several parcels that come in between there.

Q. Yes, before taking the National Storage Company property, at what rate per acre did you value the property of the Central Railroad Company of New Jersey, containing—I will withdraw that question. The last one that you gave us, Mr. Huntley, was the property of the Central Railroad Company, containing 84.724 acres? A. Yes.

Q. Now, what was the next property south of that parcel that you appraised? A. Well, that came in the third class, I think (refers to papers).

Q. Let me direct your attention, Mr. Huntley, to the property of the Central Railroad Company back of Ellis Island, containing 96.049 acres. Did you appraise that parcel? A. I did.

Q. Will you please state the rate at which you valued that property? A. That I valued at $17,500 per acre.

Q. Now, I think the next property to the south that you valued was the property of the National Storage Company, was it not, that is, the so-called Black Tom? A. Oh, no.

Q. Speaking of water front, Mr. Huntley? A. Well, this is water front. The next piece of property—

Q. Let me direct your attention to the National Storage Company property, the so-called Black Tom. At what rate per acre did you value that property? A. Well, there are 227.79 acres at $8,000.

Q. No, that property is not the one I am referring to, Mr. Huntley. That is the Central Railroad Company property, I am referring now to the National Storage Company property—Lehigh Valley Railroad Company property, property containing 88.365 acres, known as Lot 3, in Block 1497? A. 88.365 acres at $15,000 per acre.

By Mr. Wall:

Q. Now, Mr. Huntley, turning to the New York Bay Railroad property, part of the Pennsylvania system known as the Greenville terminal property containing 343.137 acres, and composed of a tract 105.3 acres, land under water, what did you value that 105.3 acres tract at? A. $15,000 per acre.

Q. Now, the upland containing 237.837 acres, what did you value that at, per acre? A. $15,000 per acre.

Q. That is upland, isn't it? A. Yes, sir.

Mr. Wall: We are now ready to take up the specific parcels and it will take quite a long time. Perhaps we can accomplish something by arranging the sheets in the order of the companies, if the Board would adjourn now.

A recess was here taken until 2 P. M.

After recess.

ROBERT HUNTLEY resumes the stand.

Direct-examination continued by Mr. Wall:

Q. Mr. Huntley, have you got the Pennsylvania property before you? A. We will just get these straightened out and we will see where—

Mr. Wall: We might offer this long map while we are waiting. I offer the map of the water front, the long map entitled "Lands on the water front of Hudson River and New York Bay, in Municipalities of Hudson and Bergen Counties, New Jersey, December, 1921."

Mr. Stout: I know nothing about the accuracy of this map. I assume it is all right. Subject to such inaccuracies as may appear it may be admitted.

Map above referred to received in evidence and marked Exhibit P2.

Q. What is the first property on your list of the Pennsylvania Railroad as to which you are about to testify? A. This is the Greenville terminal, the main stem.

Q. And the acreage is what? A. 12.731 acres.

Q. And your valuation? A. That is at the rate of $15,000 per acre. Do you wish the extension?

Q. Yes? A. $190,965.

Q. That comprises only the main stem? A. That is just the main stem.

Q. Yes? A. The description shown on here is 100 feet wide, running from the bulkhead line back to the Morris Canal.

Q. And then the rest of the portion of the same tract, consisting of 237.837 acres, you valued at? A. $15,000 per acre, which amounted to $3,567,555. And in front of that filled land was land under water, comprising 105.300 acres, valued at $5,000 per acre, $526,500.

Q. And those values that you have given here were the market values as of January 1, 1921? A. Yes, that is my opinion of the market value at that time, fair market value.

Q. And the values that you will give per acre as to the properties you are about to testify to will be as of that date? A. Yes.

Q. And market value as of that date? A. Yes.

Q. Now, what is the next Pennsylvania property that you have on your list? A. The next parcel which I have is the main stem of the—

Q. United New Jersey Railroad and Canal Company? A. No—yes, United New Jersey Railroad and Canal Company. That is the property north of Montgomery Street in Jersey City; the main stem comprised 2.932 acres, valued at $80,000 per acre, and the amount $2,234,560. And the next parcel is the land outside of that main stem north and south of the terminal tract from the east side of Washington Street to the pierhead line.

Q. Consisting of what? A. That comprised 30.564 acres, which was valued at $80,000 per acre, amounting to $2,445,120. The next parcel is land of the United New Jersey Railroad and Canal Company, outside of the main stem, located at the foot of Exchange Place, extending south from the north side of Ex-

change Place to south side of Annex Slip, having a frontage of 240 feet on the bulkhead.

Q. Yes? A. That comprised 3.623 acres, valued at $80,000 per acre, amount $289,840. The next parcel is the main stem in the Harsimus yard.

Q. What is the acreage of it? A. That comprised 6.682 acres, valued at $65,000 per acre and the amount $434,330. The next parcel is the land outside of the main stem in the Harsimus yard, lying between Henderson Street and the pierhead line. That contained 98.835 acres, valued at $65,000 per acre, amount $6,424,275.

Q. Six million what, 224, isn't it? A. It is 424—$6,424,275.

Q. All right. What is the next? A. The next parcel is the land at Castle Point, running alongside the Hoboken Shore Railroad, containing machine shops, and various—

Q. Hoboken shops? A. The Hoboken shops. That parcel contained 8.249 acres at $50,000 per acre, amount $412,450. That is all the property which was given to me as under the first and second classes.

Q. Of the Pennsylvania? A. Of the Pennsylvania. Now, do you wish the rest of the Pennsylvania third-class?

Q. No.

By Mr. Stallman:

Q. Now, Mr. Huntley, will you take the appraisals of the Lackawanna properties? A. The first parcel I have is a part of the main stem and the Jersey City portion of the Lackawanna terminal. That comprises 131.840 acres, valued at $65,000 per acre, and the amount is $8,569,600. The second parcel is the

main stem and the portion of the terminal property lying in north or lying in Hoboken, and it comprises 40.068 acres, valued at $65,000 per acre, and the amount is $2,604,420. The next parcel is the lower ferry property which contains 10.315 acres, valued at $75,000 per acre, and the amount is $773,625. The next parcel is what I think is commonly known as the Manor property—

Q. At the foot of 11th Street in Hoboken? A. Yes, at the foot of 11th Street in Hoboken. That comprises 7.621 acres, valued at $55,000 per acre, and the amount is $419,155. The next parcel is the parcel known as the Ocean Steamship Company lying between 11th and 12th Streets, in Hoboken—

Q. And adjoining the so-called Manor tract? A. Yes—or north of the Manor tract.

Q. Yes? A. That contains 16.136 acres, at $60,000 per acre, and the amount is $968,160. The next parcel is known as the upper ferry basin and—

Q. It adjoins the 14th Street ferry on the south? A. On the south, yes. That contained 1.525 acres, valued at $60,000 per acre, and the amount is $91,500. Do you care for that third-class at this time or—

Q. No.

By Mr. Bain:

Q. Have you made an appraisal of various properties owned by companies of Lehigh Valley Railroad system? A. I have.

Q. As of January 1, 1921. That is the date, isn't it? A. Of the Pennsylvania.

Q. Of the Lehigh Valley? A. The Lehigh Valley, yes, sir.

Q. And that was the date, wasn't it, Mr. Huntley, as of— A. As of January 1, 1921.

Q. Have you your appraisals? A. I have.

Q. What is the first property that you have in order before you, Lot 43, in Block 2145? A. Yes.

Q. That is part of the main line from Jersey Avenue to 160 feet west of Van Vorst Street, is that right? A. Yes.

Q. Containing 5.941 acres? A. Right.

Q. What is your valuation of that property per acre and the total? A. Valued at $25,000 per acre, and the amount is $148,525.

Q. Will you kindly state the next property that you appraised, giving the lot and block numbers, the location and the area, your value per acre and your total value? A. The next parcel is a portion of the main stem beginning at a point about 160 feet west of the line of Van Vorst Avenue, if it were extended..

Q. Van Vorst Street? A. Van Vorst Street, and running to about the center of line of Washington Avenue if same were extended.

The President: Washington Avenue?

The Witness: Washington Street, pardon me.

Q. Washington Street? A. Yes, and containing 2.433 acres, which was valued at $45,000 per acre, and the amount is $109,485.

Q. What is your next property that you appraised? A. The next property is a portion of the main stem beginning about 600 feet south of the pierhead line

and running to the line of Washington Street if same were extended.

Q. That is from the solid fill line to Washington? A. From the solid fill line to Washington.

Q. How many acres? A. That contained 2.835 acres, at $55,000 per acre, and the amount is $155,815.

Q. And what is your valuation of the next parcel? A. The next parcel is a portion of the main line to the center line of Mill Creek.

Q. That is from the Lehigh Valley main line to the center of Mill Creek? A. Yes.

Q. That is part of the so-called Edgewater branch? A. Edgewater branch. That contained 4.362 acres, valued at $10,000 per acre, $43,620.

Q. All right. If you will just state the other parcels that you appraised in order without any interruption by me? A. Yes. The next is the Edgewater—the portion of the Edgewater branch, Van Vorst Street to Warren Street. It contained .518 acres, valued at $25,000 per acre, the amount $12,950. The next parcel was land outside of the main stem north and south sides of the main stem from a point 160 feet north of the line of Van Vorst Street extended to the center line of Jersey Avenue, if extended. I considered that there were about five acres of land at the line of Jersey Avenue which I would value at $12,500 per acre, $62,500. The remainder was 20.675 acres, which I valued at $25,000 per acre, amount $516,875, and the total of that—

Q. The total of the whole parcel? A. Of the whole parcel would be $579,375. The next parcel was the land outside of the main stem, north and south sides between the center line of Washington Street, and

a point 160 feet west, Van Vorst Street. That contained 10.100 acres, valued at $45,000 per acre, amount $454,500. The next parcel is the land outside of the main stem portion of the Morris Canal grant, from the southerly line of Morris Canal property on the north to the north line of the Central Railroad of New Jersey on the south, and from the center line of Washington Street to the exterior line for piers. Including the basin area, between Washington Street and Warren Street—exclusive of the main stem that was—in valuing that I considered—

Q. What was the total area? A. The total area of that was 38.380 acres. In valuing that I considered that there was a 150-foot strip reserved in the grant, which was to be kept open as a channel, and the value of the fee in that would be the value of a fee subject to easements which might be only a normal value, and that whatever value there was would be reflected on the abutting properties which had the rights to use that same channel, and I appraised the remainder, 30.534 acres—

Q. That is the total area exclusive of the area of the channel? A. Yes. At $55,000 per acre, amount $1,679,370.

Q. Now, if that value was spread over the entire area, Mr. Huntley, including the land within the channel, have you calculated what the average per acre would be? A. I have not.

Q. Will you please state your appraisal of the next parcel? A. The next parcel is the Claremont yard at Caven Point road, a National Dock Railroad yard for freight. That comprises 42.831 acres at $7,500 per acre, amount $321,232. The next parcel

is the land outside of the main stem, the National Storage Company, from Caven Point to exterior line for piers, exclusive of four parcels which were assessed locally. The portion appraised contained 88.365 acres, and was valued at $15,000 per acre, amount $1,325,475. The next portion is the parcel acquired in 1920 from the New York Bay Railroad.

Q. That is a portion of Block 1507? A. Of Block 1507.

Q. Plot 2-L? A. Plot 2-L.

Q. How many acres in that parcel? A. That comprised 14.783 acres, valued at $10,000 per acre, amount $147,830.

Q. Are those all of the— A. Those are all of the first and second class.

Q. Did you also make an appraisal as of January 1, 1921, of various parcels of property owned by the Central Railroad Company of New Jersey? A. I did.

Q. Will you please state your appraisal of those parcels? A. The first parcel is a portion of main stem from the bulkhead line to a point 160 feet west of Van Vorst Street, produced or extended. That contained 5.464 acres and was valued at $50,000 per acre, about $283,200. The second parcel is the portion of the main stem from a point 160 feet west of Van Vorst Street to Jersey Avenue, comprised 6.302 acres at $20,000 per acre, amount $126,040. The next parcel is located at Bayonne, and is the main stem of Constable Hook branch. That comprised 7.504 acres, valued at $15,000 per acre, amount $112,560.

Q. That is the portion of the main stem of the Constable Hook branch that starts at the begin-

ning and runs to what is called the highway? A. Yes. The next parcel is the part of the Constable Hook branch, main stem from the highway to the end of the line. That contained 4.580 acres, and valued at $15,000 per acre, amount $78,700. The next parcel is the main stem of the Fort Johnston spur, contained 4.208 acres.

Q. .028 acres? A. 4.208.

Q. Is it 4.208? A. No, you are correct.

Q. 4.028, isn't it? A. 4.028 acres. Valued at $20,000 per acre, amount $80,560.

Q. Well, 4.208 multiplied by $20,000, Mr. Huntley, makes $84,560. A. $80,560.

Q. Yes, that is 4.028? A. Yes. The next parcel is the main terminal tract.

Q. That is in Block 2145, I think? A. I believe so.

Q. Well, it is what is known as the main terminal tract? A. It is known as the main terminal tract.

Q. In Jersey City? A. In Jersey City.

Q. That is the Communipaw station tract? A. Yes. It contained 97.063 acres, valued at $50,000 per acre, and the amount $4,853,150. The next parcel is a portion—is a part of that Central Railroad of New Jersey property lying south of what is known as the main terminal tract, and shown as Block 2145, 48-D.

Q. 46-D? A. 48-D.

Q. In Block 2145? A. Yes.

Q. On New York Bay? A. On New York Bay. It comprised 71.300 acres, valued at $20,000 per acre, amount $1,426,000. The next parcel is a part of that large terminal shown as Block 2154, Lot 22-G. It comprised 84.724 acres, valued at $15,000 per acre,

and the amount $1,270,860. The next parcel is the coal pier and is known as Block 2154, a part of Lot 21-J, and it comprised 96.049 acres valued at $17,500 per acre and the amount $1,680,857. The next parcel was south of the main stem from Van Vorst Street to Jersey Avenue. It contained 28.718 acres, and valued at $20,000 per acre, and the amount $574,600. The next parcel is north of the main stem between Van Vorst Street and Jersey Avenue. It contained 24.613 acres, valued at $20,000 per acre, and the amount $492,260. The next parcel is shown as Block 2048 Plot H, lies along the main stem between the National Docks Railway and Jersey Avenue, and contained 3.120 acres, valued at $10,000 per acre, amount $31,200. The next parcel is shown as Block 2048, Plot G, and lies between Communipaw Avenue, Philip Street, Wilson Street, main stem of the Central Railroad of New Jersey, and touches the line of Jersey Avenue, if extended. Contained 19.611 acres, valued at $10,000 per acre, amount $196,110. The next parcel—

Mr. Stout: It has been pointed out to me that the witness is testifying as to the value of back land. I didn't know he qualified as an expert on the value of back land.

Mr. Bain: Well, where the main stem parcels are contiguous to the water front, this witness has appraised them. Some of these main stem parcels that the witness has been testifying about are in what is called the terminal tracts.

Mr. Stout: Yes, but if he hasn't qualified—

Mr. Bain: He has qualified on the value of water front property, and where the main stem intersects the terminal tract, and runs down to the water front, it seems to me this witness is qualified to testify as to the value of main stem property.

Mr. Stout: As I understand, this is not main stem property; it is the back land which is contiguous or adjoining the shore front property, and my recollection is that he only qualified or attempted to qualify as an expert on the value of shore front property.

Mr. Bain: If a point is made about this particular plot, plot G, I don't think it is worth while to take up any more time, because I have other experts to testify as to the value of that.

Mr. Stout: The value of property which the Board will find on examining the testimony which was in respect to back land, I submit should be excluded from the record.

Mr. Bain: The Board can tell what parcels are back land in the Board's judgment.

Q. All right, we will proceed, Mr. Huntley. A. The next parcel will be Block 2154, lot 22-D, and lies between Philip Street and the main line of the Philip Street branch, comprised 5.610 acres, valued at $10,000 per acre, and the amount $56,100. The next parcel is known as Block 2145, lot 25-A, and 25-D, and lies east of the main stem, Jersey Avenue branch, and north of the Henderson Street branch, and comprises—

Q. The location of that, Mr. Huntley, could be described as Jersey Avenue, south of the Morris

Canal, could it not? A. Yes. And comprised 3.986 acres, valued at $10,000 per acre, amount $39,860. The next parcel—

Mr. Stout: I understand that was back land, wasn't it?

The Witness: Yes.

Mr. Bain: Well, these parcels are shown on the map.

Mr. Stout: I know, but why let the witness testify to property which he hasn't qualified—

Mr. Bain: I will proceed to qualify him. I thought he had qualified. If you think he hasn't, I will qualify him.

The President: My recollection is, Mr. Bain, he didn't qualify as to the value of back land. I may be in error.

Mr. Bain: I think, Mr. Chairman, you will find that all of these back lands immediately adjoin the terminal tracts in the rear. I think you will find all the main stem to which this witness has testified is immediately behind the terminal tracts.

Mr. Stout: Why all the land in Jersey City is back of shore front property. How far are you going to go? If the railroads acquire a piece of back land and add it to their main terminal, that doesn't follow that this witness who knows the value, as he says, of shore front property, knows the value of that back land which has been added to its then holdings.

Q. Let me ask you, Mr. Huntley, have you investigated the values of the lands immediately in the

rear of the water front property in Jersey City? A. I have.

Q. And did you investigate or do you know about the sales of property immediately in the rear? A. I have—

Q. And values of property immediately in the rear? A. I found some sales immediately in the rear.

Mr. Bain: I think the witness is qualified.

By Mr. Stout:

Q. What do you mean by investigating? A. Made inquiries as to sales that had been made wherever I could make them.

Q. And can you relate sales of back land property substantially similar to this particular piece of property? A. I think so.

Q. Well, name them? A. Some properties back that I looked up in making appraisals of the New York Metallic Bed Company property along the—on Passaic Street, adjoining the Newark branch of the Central—

Mr. Bain: I might say to the Board that we might be taking up a lot of time unnecessarily, because I have other witnesses to testify to the value of these back lands, and if the Board concludes that some of these parcels to which the witness has testified are back lands, and thinks his testimony perhaps might not have much weight as to the back lands, that would be for the Board to say, but it seems to me on one of those extremely small parcels we ought not to waste much time.

The President: I am quite sure that the last property described is thoroughly back land, isn't it, Passaic Avenue near the Newark and New York Railway?

Mr. Bain: Along Jersey Avenue, south of the Morris Canal.

The President: Well, he spoke a moment ago of the Metallic Bedstead property, which I think is south of the Newark and New York branch of the Central Railroad on Passaic Avenue.

The Witness: The property on Passaic Avenue along the railroad company, I had occasion to appraise that.

The President: Well, that is thoroughly back land?

The Witness: Yes.

Mr. Bain: Well, he was mentioning a sale. Mr. Stout asked him what sales of back land he had investigated.

Mr. Stout: But Mr. Bain knows and we all know if it isn't a sale of substantially similar property that it is of no value in assisting the Board.

Mr. Bain: This witness is primarily a witness as to the value of water front property.

Mr. Stout: Then I submit all his testimony as to the back land should be excluded from the record.

Mr. Bain: Whatever the Board might consider to be back land.

Mr. Stout: Well, whatever is back land.

By Mr. Bain:

Q. Is that the last piece, Mr. Huntley? A. That is the last—

Mr. Stout: I would like to have a ruling.

The President: Just a moment. Yes, that may be excluded.

Mr. Bain: Before the Board excludes anything, I would like to have the City state what it considers as back lands, because if it makes the point and asks that the testimony be excluded as to the value of back lands, I think I am entitled to know what the City considers as back land.

Mr. Stout: I think the record will show which is back land and which is front land.

Mr. Bain: That is exactly the suggestion I made before, to leave it to the Board, but my friend on the other side says he wants something specifically excluded. Now, I should like to know what is to be excluded, what the City considers as back lands.

Mr. Stout: To my mind it isn't what the Board determines as back land, or what counsel may determine as back land; what, as a matter of fact is the back land, based upon the record.

Mr. Bain: There can't be anything excluded at the present time, because the City is unable to point to any particular testimony that is to be excluded.

Mr. Stout: Well, I will rely upon the record.

By Mr. Bain:

Q. Mr. Huntley, did you appraise any other parcels of the Central Railroad Company of New Jersey? A. The next parcel is the Fort Johnston spur, from a point 2,000 feet back of the pier-head line to the pier line, comprising 19.342 acres, valued at $20,000 per acre, and the amount $386,840.

Q. Those were all of the so-called first and second-class properties of the Central Railroad Company that you appraised? A. Yes.

Q. Did you also make an appraisal as of January 1, 1921, of the various parcels of property owned by the Long Dock Company, subsidiary of the Erie Railroad Company? A. Yes.

Q. That was as of January 1, 1921? A. It was.

Q. And will you please state your appraisals of the properties of that company? A. The first parcel is a part of the main stem, running from the bulkhead line to Henderson Street. It comprised 6.257 acres, valued at $65,000 per acre, amount $406,705. The next parcel is a portion of the main stem lying between Henderson and Grove Streets, comprising .924 acres, valued at $80,000 per acre, amount $73,920.

Mr. Stout: Isn't that back land?

Mr. Bain: I would like to know now, we have often discussed the question as to how far back water front extends, and if the City now says that the water front stops at Henderson Street, because this parcel as to which the witness is about to testify runs back to Grove Street, I would like to know it, and I think I ought to know it.

Mr. Stout: I am asking the witness whether it is back land or not.

Mr. Bain: We don't contend that some of these back parcels are water front lands, never have.

Mr. Stout: Then, I submit, as the record now stands the witness ought not to be permitted to testify.

Mr. Bain: But I think the City cannot take two positions. It cannot claim now that these lands are back lands, and then produce its own witnesses to give some value to these lands as water front property.

Mr. Stout: Don't anticipate what we are going to do.

Mr. Bain: If the City now claims everything back of Henderson Street is not water front property, I would like to know it. I think that is a fair question.

The President: Has that divisional line ever been established, Mr. Jess?

Mr. Jess: No. I have never known the City to fix any definite line as to how far the water front property extended. I think the City's position has always been that it would depend upon conditions as they actually existed, and land that extended 2,000 or 3,000 feet back might be water front property. I don't see how you can rule in any specific case unless you know just what the conditions are.

Mr. Stout: I asked the question whether he considered that back land or not, and I think that is a pertinent question.

The Witness: The question of back lands and water front was never asked of me, I never gave it any consideration; I was asked to appraise certain properties, and I appraised them as I saw them.

Mr. Stout: Well, have you an opinion as to whether this is back land or not?

The Witness: Well, this is a piece of property, a part of the main stem of the Erie Railroad, and it is pretty hard to say where you are going to cut off the main stem.

Mr. Bain: Well, the fact is that this particular parcel about which the witness is testifying is back of Henderson Street, and as I say I am going to produce other testimony as to the value of back lands, and I will simply eliminate that for the present as far as this witness is concerned.

Q. Now, what is the next tract, Mr. Huntley? A. The next parcel is the terminal tract south of Pavonia Avenue, shown as Block 15, Lot B-6, contains 16.555 acres, valued at $65,000 per acre, the amount $1,076,075. The next parcel is the large terminal tract north of Pavonia Avenue, exclusive of the main stem, and contains—

Q. That is Lot A-2 in Block 17? A. That is Block 17, Lot A-2. It contains 67.830 acres, valued at $65,000 per acre, and the amount is $4,408,950. The next parcel is land under water at the foot of Pavonia Avenue. It has a frontage of 130 feet on the bulkhead line and at the pier-head line 129.50 feet.

Q. Contains how many acres? A. It contains 2.816 acres, valued at $65,000 per acre, and the amount $183,040. The next parcel is a piece of water front

property adjoining the before-mentioned parcel at the south. It has 147.09 feet on the bulkhead line, and 147.89 feet on the pier-head line, contained 3.164 acres, valued at $65,000 per acre, and the total value —and the amount was $205,660.

Q. That is the tract south of Pavonia Avenue and adjacent to the elevator parcel? A. Yes.

Q. And that tract is under water? A. Yes.

Q. Are those all of the first and second-class parcels of the Long Dock Company that you have appraised? A. Yes.

By Mr. Wall:

Q. You didn't give the total this morning of the New York Central parcels, did you, in that valuation down the river? You gave the acreage but not the totals? A. I think I only gave the value—

Q. Well, won't you run through those New York Central parcels? Will you shorten up those descriptions, as much as you can, Mr. Huntley, giving just something that will point it out, like land outside main stem, and then giving the acreage? A. The first parcel is land outside of the—is at Weehawken and land outside of the main stem, the southerly part. That comprises 20.795 acres, valued at $45,000 per acre, amount $935,775. The next parcel is land outside main stem, northerly tract, to the dividing line between Weehawken and West New York; comprised 59.720 acres, valued at $40,000 per acre, and the amount $2,388,800. The next parcel was land outside main stem, west of New Jersey Junction Railroad, contained .370 acres, at $2,500 per acre, $875. The next parcel, land outside main stem of New Jersey

Junction Railway lying between the two lines forming the "Y" of the West Shore Railroad, contained .155 acres, at $2,500 per acre, amount $387. The next parcel was land outside main stem on west side of New Jersey Junction Railway from the "Y" to the West New York line, comprised 1.258 acres at $2,500 per acre, amount $3,145. The next parcel was land outside main stem between the two branches of the "Y" and west of the "Y" comprised 3.680 acres, valued at $2,500 per acre, amount $9,200. The next parcel was land outside the main stem from the town line of West New York, to the New York, Ontario and Western Railroad. It contained 114.281 acres, valued at $40,000 per acre, amount $4,571,240. The next parcel was land outside the main stem west in a tract adjoining Weehawken Township. It contained 9.740 acres, valued at $5,000 per acre, amount $48,700. The next parcel is land outside the main stem excess in connection with the New York, Ontario and Western Railroad docks west of the New York and Fort Lee Railroad, comprised 2.224 acres, valued at $5,000 per acre, $11,120.

Mr. Stout: Where is that last piece of property located?

Mr. Wall: Excess in connection with the docks of the New York, Ontario and Western Railroad.

Mr. Stout: Excess?

Mr. Wall: Yes.

A. (Continuing.) The next parcel lies between the New York, Fort Lee Railroad and connects with the New York, Ontario and Western Railroad, comprised 2.159 acres, valued at $5,000 per acre, amount

$10,795. The next parcel is the main stem in the Weehawken yard, comprised 8.371 acres at $40,000, amount $334,840. The next parcel is a portion of the main stem line lying north of the Weehawken line, and contained 2.755 acres, valued at $40,000 per acre, amount $110,200. The next is a part of main stem located south of the Weehawken yard, contains 2.50 acres, valued at $40,000 per acre, amount $100,080. The next parcel is a part of the main stem of the New York and Fort Lee Railroad, lying north of the Weehawken boundary, comprised 9.970 acres, valued at $40,000 per acre, amount $398,800. The next parcel is a part of the New Jersey Junction main stem, lying south of the Weehawken yard, running down Park Avenue. It comprised 16.931 acres, valued at $25,000 per acre, amount $423,275. The next parcel is a part of the New Junction Railway south of the—at the township line of West New York, containing .243 acres, valued at $40,000 per acre, amount $9,720. The next parcel is a portion of the main stem New Jersey Junction Railroad, at Guttenberg, contained .670 acres, valued at $25,000 per acre, amount $16,750. The next parcel, part of the main stem New Jersey Junction Road in North Bergen, contained 5.200 acres, valued at $15,000 per acre, amount $78,000.

Mr. Wall: Cross-examine.

Mr. Stout: I would like to ask counsel for the respective railroad systems whether the averages testified to by this witness are less than the judgments of the State Board of the respective properties for last year?

Discussion

Mr. Wall: It is very hard to answer a comprehensive question like that. We can't answer a question with a lot of different angles in it like that. In some cases they are and in some cases they are not. They are his valuations. That is the only answer to that.

Mr. Stout: Then I would like to ask whether the Board rules in respect to first and second-class railroad property as you do in respect to third class, that if there is no change in the physical properties, or no change in the value of the property, the succeeding year, following the prior year, then your judgments of the prior year are the basis for your valuation of the succeeding year, and that any testimony showing a lesser value, it seems to me, ought not be permissible.

The President: Ought not be? Is that your idea?

Mr. Stout: Yes, unless there had been a change in the value of the property and there is no evidence here that there has been a change in the value of this property, January 1, 1921, over January 1, 1920.

Mr. Bain: As I recall it there was no review of the values of these particular properties last year.

Mr. Stout: We had a hearing.

Mr. Bain: What the railroad companies now desire to show is the real value of these properties as nearly as the companies can determine the value, on the first of January, 1921.

Discussion

Mr. Stout: If the City came in and made a suggestion like that in respect to third-class property, we would be laughed out of court. We have got to show each year that there has been a change in the value of the property before our witnesses are permitted to testify; otherwise your judgments are finalities.

Mr. Bain: I think that first and second-class properties, in fact all property used for railroad purposes, stands upon a different footing from property locally assessed. In the case of the property locally assessed, this Board does not make the original assessment. It sits as an appellate Board, a reviewing Board. This Board is now reviewing its own assessments, and to that extent the situation is quite different in the case we now have in hand, from what it would be if these were local assessments.

The President: What the Board has heretofore done has no concern whatever today.

Mr. Bain: What Mr. Stout has said, I take it, depends very largely upon whether the railroads are asking that the assessments for the year 1922 be reduced to the values this Board determines for assessment of the same property for the preceding year. I am not quite clear in my own mind just what Mr. Stout has in mind. As Mr. Wall said some of the values to which this witness has testified are less than the values determined by this Board for assessment for last year.

Mr. Stout: My answer to that is that this Board is sitting here as much as an appel-

late body as if this original assessment had been made by a Board having no connection with this. The values of these specific pieces of property are going to be determined upon the evidence produced before you, irrespective of what knowledge you may have. It seems to me—

Mr. Bain: I don't like to interrupt you, Mr. Stout, but under the general railroad tax law the Board has express power to use its personal knowledge and judgment.

Mr. Stout: But it has got to state it into the record so that the reviewing court may know what are the sources of knowledge of the Board. It is on the record that we are going to make here. It seems to me that the same rule should be invoked, that where there is no change shown by the railroads, they cannot hope to go below your values of last year. Now, the opportunity was accorded them to go into a full hearing, and if they were willing to submit upon the record made last year, which they did, why, it seems to me that they are bound by it.

Mr. Stallman: Do you mean to say—might I ask counsel, if the Board please—that we are estopped here from making a record to go to the Supreme Court or to show the actual values of these properties?

Mr. Stout: That has been the ruling of the Board in respect to third-class property.

Mr. Stallman: Well, I am talking now of first and second-class property.

Mr. Stout: I know that. Well, I am asking whether there should be any distinction

between second-class property and third-class property.

Mr. Stallman: I certainly don't know of any rule in any tax case that prevents you from showing the true value of the property under assessment.

Mr. Stout: Well, you try it in third-class railroad cases.

Mr. Wall: The difficulty is that Mr. Stout is assuming a certain state of facts with reference to how many parcels are there here, over two hundred, aren't there?

Mr. Bain: Yes.

Mr. Wall: Over 200 parcels. Now, it hasn't come out in the testimony exactly what the course of those values has been with reference to last year's assessments by the Board. The witnesses have testified to certain figures. Before he can lay the basis for such a motion as that, even if he is correct on his practice he would have to have it on the record in some fashion or other that there hadn't been any change, because the figures themselves do show changes.

Mr. Stout: But this was only preliminary to making a motion.

Mr. Wall: But you can't make a motion—

Mr. Stout: Oh, yes, I can.

Mr. Wall: —that has eight or nine different angles in it, you know. His motion might apply to certain things and wouldn't apply to others. We have got 200-odd parcels in here and as to some of them these figures would indicate a change, as to others maybe not. How

can you tell which—you don't know what units you are dealing with. His motion is too inclusive, too vague.

The President: I don't think he has made a motion, yet, have you, Mr. Stout? Is your contention this, that the Board should not consider testimony which would tend to do violence to any former judgment?

Mr. Stout: Yes.

The President: A former judgment of the Board?

Mr. Stout: Yes, that is it.

The President: In the concrete, isn't it?

Mr. Stout: Yes, without showing that there has been a change in the value of the property last year, this year over last year?

Mr. Bain: Then I understand what Mr. Stout in effect says is that at no time can there ever be a review *de novo* before this Board.

Mr. Stout: Yes, there can.

Mr. Bain: Mr. Stout says yes, there can be a review *de novo*. That is the kind of review we are now having.

Mr. Wall: He shows that he hasn't got it in the testimony yet when he turns to counsel and asks them what they contend. He ought to know what we contend from the testimony. We don't have to testify. There is an illustration of the fact that he doesn't know from anything that has happened what the facts are about which he is basing his criticism on.

Mr. Stout: I haven't been following these figures, and I hope to get a specific answer

from you that the valuations are lower, which I assume that they are in most instances.

Mr. Wall: I can't answer that. It is too much.

Mr. Stout: Then if the Board applies the same rule in respect to this class of property as it does third-class property, then my motion would be to exclude from the record any testimony as to values which were lower than the values of this Board for last year.

The President: That is your formal motion now?

Mr. Stout: That is my motion.

Mr. Bain: Do I understand Mr. Stout to mean that in no case can the railroads ever get a lower value than the last preceding determination of this Board? We must always look for a higher value?

Mr. Stout: Unless you show a change in the value of the property.

Mr. Bain: Don't we show a change when we produce expert testimony that the value was less than the value last determined by this Board?

Mr. Stout: No, you show then that this Board has a higher valuation upon this property than you place upon it, that is all.

Mr. Bain: That is the only way we can prove lower value. What else can we do? Have a witness state that the value is lower? He states so when he states his figures showing a lower value than the value determined by this Board. Certainly I can't see anything in the Board's rule on appeals that

would prevent a showing of the value of this property on the assessing dates. That is the purpose of this review.

Mr. Stout: To bring this to an end, Mr. Bain knows that when we come before this Board in respect to third-class railroad property, if we are asking for a higher valuation, we would have to show there had been a change in the value of the property since your last judgment, and if the railroads ask to have a valuation less than your judgment of the previous year, then the railroads would have to show that the value of the property was less than when you determined it. It isn't your value as against the values placed upon this property by the railroad experts, but the question is has there been a change in the value of this property last year compared with this year? That is, as I understand it, in respect to third-class property, and isn't that practice the rule, Mr. Jess?

Mr. Jess: Well, yes, that is precisely the rule, undoubtedly. The only thing is, Mr. President, it occurs to me that that is a rule of practice of the Board in third-class properties, that it has held that where the Board upon a review of the local assessments has fixed a valuation by its judgment of properties affected, then on a subsequent appeal, either side attempting to disturb that judgment is limited to showing a change in conditions, or the putting in of evidence that was not available at the former hearing. But I don't understand that that is a rule of evidence at all; in other words, Mr. Stout, I don't see

how we could limit the appellant from producing evidence as to the value of this property. It may be that the effect of that rule would be when the Board comes to decide these cases it might disregard in conformity with the spirit of that rule, any evidence which would show a value less than the values heretofore fixed by the Board on this property. But I don't see how we can be asked to absolutely exclude all evidence as to value which in any way conflicts with the judgment of the Board on a review of our own valuations.

Mr. Stout: Well, I only asked the pertinent question whether you would apply the same rule of practice, that is all. If you do not, why then there is no merit to my—

Mr. Jess: Off-hand, I think, Mr. President, following out that rule, the judgment of the Board would be to disregard evidence fixing a lower value than the Board after a hearing had fixed as its judgment of the value.

Mr. Bain: Let me ask, Mr. Jess—we don't know what the Board's judgment as to value is. We have got the tentative assessment of this Board, and to a certain extent that is the Board's judgment, and it seems to me that we are now reviewing, and we are attempting to show that the values of the property are less, are lower than those values determined by this Board.

Mr. Jess: No, Mr. Bain, I wasn't referring to the tentative values that we are now reviewing, I was referring to judgments of the Board in previous years.

Mr. Bain: Yes, but what judgment is there now of this Board that we can go back to? Since the assessments for 1921 were determined this Board has revalued these properties for assessment for the year 1922, and has expressed, to some extent, at least, its judgment in these tentative assessments. Now, what judgment can we go back to, the last preceding judgment? Is this Board then going to say that it shall waive its tentative determination of the 1922 assessment and go back to 1921 unless there is some evidence of change?

Mr. Jess: No, I am not saying that.

Mr. Bain: Well, you see, that is what I think it gets to, if Mr. Stout's line is followed.

Mr. Jess: I am only saying—I am not dealing with the assessments that are now under review. I am dealing with any valuations upon which the Board, not by assessment, but by a judgment on review shall determine the value of the property.

Mr. Bain: We haven't had any review of these properties.

Mr. Jess: Then you have nothing to fear.

Mr. Bain: Then, Mr. Stout's motion seems to be useless.

The President: Will you just pardon us a moment? I think that the gravity of this thing requires a brief conference.

Mr. Stallman: The Board ought to have in mind—now my recollection may be at fault, but we haven't been down here on any of these second-class appeals in four or five years.

Mr. Stout: Your recollection is at fault.

Mr. Bain: The last was in 1916.

Mr. Stout: It makes no difference if you go into court and you don't want to submit germane evidence. Last year the railroads came here through their attorneys and offered such evidence as they thought was proper to get a reduction of value and—

Mr. Stallman: May I ask if that was true in my case?

Mr. Stout: In all the cases.

Mr. Clark: In my case?

Mr. Stout: You submitted a brief.

Mr. Clark: That is not evidence.

Mr. Stout: The opportunity was afforded you, and that is what you thought evidently was the proper thing to do. The Board offered Mr. Focht as a witness to testify as to the value of all of these properties.

Mr. Bain: Mr. Stout, pardon me, I don't like to contradict you, but it was only a case of a certain part of the Lackawanna Yard at Hoboken.

Mr. Wall: What judgment is it that Mr. Stout says that the Board ought to go back to?

Mr. Stout: I say the last judgment of the Board.

Mr. Wall: When was that?

Mr. Stout: That is the value of this property as of January 1, 1920.

Mr. Bain: Do you stand on that valuation?

Mr. Stout: No, no, but I am talking about you. I want you to show some respect for the Board's judgment.

Mr. Wall: You point to some judgments of the Board in 1920?

Mr. Stout: All judgments.

Mr. Wall: All judgments?

Mr. Stout: Yes.

Mr. Wall: We call for the production of the judgments.

Mr. Stout: Call upon me?

Mr. Wall: Yes.

The President: Just a moment. My colleague has suggested a conference, and the Board will now conference.

Mr. Jess: Well, Mr. President, I would like to know just what the point is that we are to pass upon.

Mr. Stout: Why, the point is this, that after a full hearing by the Board in a previous year and the judgments found, that unless either party shows a change in value of the property over the time of this last judgment, then that judgment must be final.

Mr. Jess: That is, after the assessments were made by the Board, appeals taken by the railroad companies, and on which this Board, after a hearing, rendered its judgment.

Mr. Stout: Yes.

Mr. Jess: That that judgment is binding?

Mr. Stout: Is binding unless a change is shown in the value.

Mr. Bain: Does that carry with it a suggestion that in no case can the railroad com-

panies prove a lower value in figures than the Board's last determination? Is that what Mr. Stout means?

Mr. Stout: That is the rule in third class.

Mr. Wall: That rule has never been applied in any hearing before this Board, not in second-class appeals.

Mr. Stout: No, in third class.

The President (after conferring with members of the Board): The Board has conferenced on the motion of Mr. Stout. Its judgment will now be given by Commissioner Jess, speaking for the Board.

Mr. Jess: Well, the Board has by unanimous vote decided to deny the motion of Mr. Stout, and the opinion of the Board is that in the review of its own assessments or valuations on first and second-class railroad property, that it wants to hear all competent and relevant evidence bearing upon the valuation of the property, regardless of any judgments it may have expressed or rendered in preceding years, but that this opinion, or this ruling, does not affect at this time the rule which has heretofore been adopted by the Board that in the review not only of third-class railroad property, but in all reviews of local assessments, the Board will not hear evidence which would disturb its own judgments rendered in the preceding year except to show change of conditions or to receive evidence which may be held to be new evidence, which may not have been produced at the preceding hearing.

Mr. Stout: May I be permitted to ask the Board whether that is not a reversal of a

previous ruling of this Board in respect to first and second-class railroad property? I was informed, I don't know whether it is true or not, but it came from a reliable source to me, that in 1918 Mr. Milton, the corporation counsel; Marshall Van Winkle and Thomas J. Brogan appeared before this Board in respect to first and second-class railroad property, the State having filed the complaint, and the company was asked I think, by Mr. Jess, then president of the Board, as to whether the State could show if there had been any change in the value of the property over the previous year; the State contending that the values found by the State Board were too low, and the State could not show that there had been a change in the value of the property, but offered to show that the value of the property was a great deal higher than that found by the Board, and upon so responding to the question of the president, why, the Board said that it could not hear the State.

Mr. Jess: You are asking whether I recall that as a ruling of the Board?

Mr. Stout: Yes.

Mr. Jess: No, Mr. Stout, I don't think that the Board has ever established a precedent which is contrary to the one which has been announced now.

Mr. Stallman: Your witness, Mr. Stout.

Mr. Wall: Would it be possible for Mr. Huntley's cross-examination to be suspended until a later date. He tells me that he has cases in New York where he is now under cross-examination. He is actually under ex-

amination he tells me. If they commence the cross-examination they don't want it broken into, I suppose. I imagine the cross-examination will be very much the same in the different cases. I was wondering whether it would be possible to let him go and go on with another witness. It isn't like a case where there is a lot of particular things that you have to remember. They have got all the sales, and it would not get stale, I mean.

The President: How long will your cross-examination consume, Mr. Stout?

Mr. Stout: Oh, I should say probably an hour. I will like to be obliging, but it is very unsatisfactory to let a witness go away a few days and then come back and cross-examine him.

The President (after discussion): The Board will adjourn to meet at ten-thirty tomorrow morning here.

Mr. Wall: What disposition does that make of the witness?

The President: We have got to excuse the witness, I think.

An adjournment was here taken until Thursday, January 5, 1922, at 10:30 A. M.

Second Day.

Trenton, N. J., Thursday, Jan. 5, 1922.

Present:

Mr. Baker, president; Mr. Jess, Mr. Mutchler, Mr. Margerum, Dr. Barber.

Appearances as before noted.
Case resumed pursuant to adjournment.

FLOYD S. CORBIN sworn for the appellants.

Direct-examination by Mr. Wall:

Q. Mr. Corbin, what is your business? A. I am a real estate broker, making a specialty of the sale and lease of water front property, dock properties and industrial properties in and adjacent to the Harbor of New York.

Q. And includes warehouses, factories and factory sites? A. Yes, all commercial properties.

Q. And for what length of time have you specialized in that class of business? A. Something over twenty-three years.

Q. And when you say that you make a specialty of that class of property do you mean you make a specialty of it from the standpoint of a broker? A. I make a specialty of it from the standpoint of a broker, and I also buy and sell water fronts on my own account.

Q. Are you connected with any companies that are buying water front properties for the purpose of sale? A. I am.

Q. And what— A. I am the president of the Corbin Land Company, Incorporated, which owns in fee a tract of 525 acres of land on Staten Island Sound, having a frontage of about 3,700 feet. I am also

the president of the Water Front Industrial Sites Company, which owns two properties on Staten Island Sound, one of them having a lineal foot frontage of 4,100 feet, and an acreage of 207 acres of land and land under water, and another parcel having a frontage of 1,374 feet on the sound with a total area of 114 acres. This company also owns two or three other parcels near the freight yards in the B. & O. Railroad and other parts of Staten Island.

Q. Besides being interested as a broker, you are interested as an owner through ownership in stock of companies in which you are interested, is that right? A. I am. Not only as an owner, but as a director and manager of these properties.

Q. Yes. Now— A. I forgot to say that this other company has an interest in a piece of water front property on the Kill van Kull.

Q. What acreage are you interested in as an owner or stockholder or director of a corporation? A. I am interested in a total area of about 860 acres.

Q. Have you had any experience in the actual sale of property in and about New York Harbor? A. I have. During the past twenty-three years I have bought, sold and leased water front properties on every navigable stream practically in or adjacent to New York Harbor. I have also handled water front and terminal properties in Boston, Philadelphia and Baltimore.

Q. You have testified frequently before this Board as an expert, have you not, Mr. Corbin? A. A number of times.

Q. Have you not testified before this Board that up to the last—to a period beginning about five years

ago, five or six years ago, that you have made a large portion of all the sales that were made in New York Harbor? A. I did.

Mr. Stout: I object to that question. I appreciate that the questions must be somewhat leading, but—

Mr. Wall: I asked him if he hadn't testified that he had—

The Witness: I did.

Q. Taking the period of your experience ending with five or six years ago, what proportion of the sales in New York Harbor did you make, that is, in the sense of being a broker in those sales? A. I think up to that period of time, of all the sales of such properties, not including, of course, those taken by condemnation, I had probably participated in at least 55 to 60 per cent of them.

Q. Now, did you make any sales of water front property in Jersey City during the last five years? A. Yes; I made one sale in Jersey City to the International Elevating Company.

Q. And was that the only sale that was made in Jersey City? A. That is the only sale that I have any knowledge of or can get any information about.

Q. Well, how about the Lehigh Valley sales? A. Well, I am speaking now of Jersey City proper.

Q. Yes. A. And have reference to those sales on Communipaw Bay or New York Bay.

Q. That is, you class the Jersey City water front as something different from the water front south? A. Yes.

Q. And, so far as you know, it is the only sale

that has been made in that locality in the last six or seven years, is that right? A. I think it is.

Q. Now, have you, during this period of actual connection and activity in the making of sales and purchases of property—have you also kept yourself informed of water front sales and water front values in and about the Harbor of New York by means of study? A. I have for the past fifteen years endeavored as far as possible to keep a very accurate record of all the sales and leases of water front properties in and around New York Harbor, and I have in my office data, authoritative data, with respect to about 375 such sales in that period of time.

Q. You are familiar with the International Elevating Company sale? A. Yes; I made that sale as a broker.

Q. Won't you state the sales on the west bank of the Hudson of water front with which you, yourself, are familiar by means of being—by reason of being connected with the sales as a broker or your having knowledge of the price and consideration paid? A. Well, I sold the Winterburn property at Edgewater quite a number of years ago. I also—

Q. To whom? A. I sold that to Spaulding-St. Lawrence Boat Company.

Q. That is at Edgewater? A. That is in Edgewater. And they afterwards abandoned the contract by mutual consent, because of the inability to secure a direct track connection at that time on the Susquehanna and Western Railroad.

Mr. Stout: I think it is immaterial why the contract was not carried out.

The President: I think so.

Mr. Stout: I move to strike that out.

The President: It may be stricken out.

A. (Continuing.) I sold—

The President: Just a moment.

Mr. Wall: Why should it be stricken out, may it please the Board? He is testifying as to a contract. He says it was afterwards abandoned for a certain cause that he knows about. It shows the value of track connection in this class of property, and one of the very things you are interested in, is the question of what are the prime requisities of value in this particular class of property. It seems to me it is quite vital. I object to it being stricken out.

Mr. Stout: Mr. Wall knows that to aid this Board we want to have sales of property. Now, if a sale of property was made, why, it seems to me that is all there is to it. The future history of the sale, I think, is very immaterial.

The President: And when was the sale made?

Mr. Stout: Oh, it was made a long time ago.

The President: And in Edgewater?

Mr. Stout: Yes.

Mr. Bain: May I suggest that the answer of the witness indicates an accurate knowledge of a particular transaction, and to that extent it seems to me that it is admissible testimony. It shows a thorough knowledge with at least one sale, and the reasons why the sale was not carried out. As a part of the qualification of the witness, it seems to me to be quite proper.

Mr. Stout: Well, is the witness testifying to sales or not to sales?

Mr. Bain: The witness is now testifying to his qualifications as an expert and he points to one thing, one fact, that shows he has accurate knowledge of a particular instance where a sale was attempted and was not carried out. That seems to me to be a proper statement indicating qualification.

Mr. Wall: Now, may it please the Board, what is the use of wasting so much time over it? If you don't think it ought to go in, why not rule it out? We have our objection on the record, and that is all that is necessary.

The President: It is ruled out.

Mr. Wall: And our objection is noted, I suppose.

Q. Do you know of the Cunard sale, Mr. Corbin? A. Yes, sir. Mr. Wall, you asked me—I didn't finish that question—unless you don't want to pursue it, about the other sales there. You asked me about some other sales.

Q. Sales that you had participated in? A. Yes.

Q. You didn't participate in the Cunard sale? A. No; I did not.

Q. You only know of the Cunard sale by study? A. That is it.

Q. What are the other sales besides the Winterburn, of which you have personal knowledge? A. Well, I leased the property known as the Pyle property to the American Can Company, with an option to

purchase. I sold a property for the Overlook Land Company to the Metropolitan Sugar Company. I afterwards repurchased that property myself and sold it to Jones Brothers, of Brooklyn, and later, several years later, resold it to the Lord Construction Company. I also, a number of years ago, sold the Woodcliff property of 2,000 feet front immediately south of and adjoining what is known as the Jones Brothers property.

Q. The Jones Brothers property is just south of the Shamberg property? A. The Jones property is south of Shamberg.

Q. And it is located between the Shamberg property and what other property? A. And the Woodcliff.

Q. And that is about where on the shore? A. It is on the west bank of the Jersey—of Hudson River, at a point about opposite 86th or 87th Street, New York City. It is what is known as West New York, New Jersey.

Q. Now, what other—

The President: Opposite West New York?

The Witness: They call it West New York, New Jersey.

Mr. Wall: It is West New York and then he said it was opposite New York City, and that is the only —is it North Bergen or West New York?

The Witness: I think it is in the Township of North Bergen, but we usually refer to it as West New York.

The President: And it is directly opposite to what part of Manhattan?

The Witness: I should say about 87th Street.

The President: Yes, that was what startled me. I didn't think you were topographically correct, looking from Manhattan across the river at 87th Street.

The Witness: About that.

The President: It is?

The Witness: Yes.

Q. Well, now, what other property—

The Witness: I have lived at 86th Street for ten years, and I look across there almost every day.

Q. What other property? A. Those are the only properties on the west shore of the Hudson River. I have sold properties down at Bayonne. I sold the La Tourette property, and I sold a property on the Newark Bay down at West First Street some years ago to the Darmler Manufacturing Company.

Mr. Jess: Mr. President, may I suggest that unless it is the wish of counsel for the purposes of the record to review in detail the qualifications of Mr. Corbin, that we might save time by confining his examination as to qualifications, to sales or studies that he hasn't previously testified to before. It seems to me that the Board has repeatedly admitted Mr. Corbin over the City's objection, I presume there will be the same objection today, and why need we take up time in doing it, unless counsel feels that it is necessary for their case to have it all appear upon the record?

Mr. Wall: We have no desire to pursue it any further than we have.

Q. You have studied all the sales that have been made on the Hudson River? A. I have.

Q. In the last twenty odd years? A. Yes, sir, since 1896.

Mr. Wall: Cross-examine.

CROSS-EXAMINATION by Mr. Stout:

Q. Mr. Corbin, did you use the standard of sales of substantially similar properties in arriving at the value of shore front property? A. I do to the extent that—of course, the sale of any property is some indication of its value, but I don't think the sale of any particular property can be taken as a measure of value, because so many conditions govern the sale.

Q. In other words, do you mean that you cannot use the sale of substantially similar properties, due to the fact that properties are so dissimilar. A. You can't just take the sale of any one property, in my opinion, and say that because this particular property sold for so much that another piece of property is worth the same amount per square foot or per front foot or per acre. I think it is impossible.

Q. If you take the sale of a number of substantially similar properties, then how do they help you in determining the value of a particular piece of property? A. Well, because it gives you that much information as to what the properties were sold for, what people were willing to pay for them, but very often there are special conditions governing sales of properties

that do not represent their real value, either too low or too high.

Q. In your opinion has there been a sale of water front property in Hudson County during the past six years that evidenced the true market value of the property at the time of the sale? A. In Hudson County?

Q. Yes. A. I should think the sale of the Woodcliff property, for instance, was a fair price for the property.

Q. Where is that property located, what part of Hudson County? A. Well, that is what we call West New York, New Jersey, that is about 1,500 or 1,800 feet above the ferry landing—the upper ferry—on the Hudson River.

Q. When was that sale made? A. Well, the sale was really made about a year and a half before it was consummated. It was made back in 1918, because it was on a continuing option.

Q. Was that a sale at private contract or by private contract? A. Yes, sir.

Q. What does that consist of, shore front property and back land, or is it all shore front property? A. Well, there is a public highway and a railroad that divides the water front property from the land in the rear.

Q. I ask for an answer to my question. A. What is the question?

(Question read.)

A. Well, I would call it a shore front property, yes.

Q. The whole thing? Do you put different values on a specific piece of property, dividing the shore front from the back land? A. Well, that would depend entirely upon the size of the property, the depth from the shore line back.

Q. Well, this particular piece of property? A. I did not, because the depth of the property, the available property, was not at all excessive.

Q. You consider it, then, all shore front property? A. Yes.

Q. What is the acreage on that piece of property? A. Well, there was 1,052,845 square feet of solid land, and there is 2,582,236 feet of land under water, making a total area of land and land under water of 3,635,082 square feet—or 83.45 acres.

Q. What other sale of property, shore front property, do you recall that has been made during the past six years that evinces the market value of the property at the time of the sale? A. I don't know of any property I would consider a real value of the property. I know of some sales that were made at what I would term below the value, and I know some that were made at what I would consider above the value of the property.

Q. What do you say as to the sale to the International Elevating Company? A. At the time that sale was made, in my opinion, it was not the—the purchase price did not represent the real value of the property; it was in excess of it.

Q. You remember testifying in the Eighth Avenue New York cases? A. I do.

Q. And you there testified that the purchaser should have received $50,000 more for the property than what was paid for it?

Mr. Bain: Just a moment. The question is objected to, unless the witness is confronted with the testimony.

Mr. Stout: I am asking him whether he did so testify.

Mr. Bain: The rule of evidence prevents such a question unless the witness is shown his testimony.

Mr. Stout: Well, I withdraw the question. I haven't the testimony here.

Q. Do you remember testifying in the New York Eighth Avenue cases in respect to this piece of property? A. I don't recall this particular piece of property. I testified—I spoke of a great many sales of water front properties in that case.

Q. You remember testifying last year before this Board with respect to it, don't you? A. I do.

Q. Do you remember what you testified then with respect to this piece of property?

Mr. Bain: The same objection as I made before.

Mr. Stout: I am asking him whether he remembers or not.

Mr. Bain: The answer is yes or no.

Mr. Stout: Yes.

A. I don't recall all that I testified to then.

Q. All right, we will get the testimony. The sale of the New York Bay Railroad Company to the Lehigh Valley in 1920, you are familiar with that sale? A. You are speaking of this property in the rear of—

Q. I am speaking of a sale of the New York Bay Railroad Company to the Lehigh Valley. Do you know of more than one sale? A. Well, there is one piece there I understand was sold at about—I have

forgotten the acreage. What year was that you are speaking of?

Q. 1920. A. I have the particulars here somewhere (referring to papers).

Q. I am asking don't you recall any such sale? A. Yes; I know there was such a sale, and I was looking it up. I have got the particulars of it here somewhere.

Q. Well, in your opinion, did that sale evidence the market value of the property at the time of the sale? A. I don't think that it did.

Q. You would say the same in respect to the sales to the Lehigh Valley of the property which they are developing for their terminal? A. I would, because I could have bought some of those properties cheaper myself, had some of them for sale a good deal cheaper than what they paid for them.

Q. What do you say in respect to the Cunard sale? A. I would say the same about that. I think the Cunard paid a big price for it.

Q. Do you remember testifying before this Board on the appeal of the Associates of the Jersey Company, the New York Bay Railroad Company and the Pennsylvania Railroad Company, Lessee, in March, 1921, in respect to the Cunard sale? A. I presume I did. I don't remember all the testimony.

Q. And you remember being asked this question, "In your judgment, is the price at which the Cunard property was sold normal or abnormal," and your answer, "I think the price was normal at the time, because no such property, as I say, could have been purchased last year in New York Harbor, and on ac-

count of its immense size, it permitted of a very extensive development, a very high class development, warehouses and piers." A. That is true.

Q. You so testified? A. I guess so. It sounds like my testimony.

Q. Yes; it sounds like your testimony. Then, how do you reconcile that— A. But at that time—

Q. Just wait, let me finish my question. How do you reconcile that with your previous testimony, that in your opinion the property was sold for more than its true value? A. Well, I would say that at the time there was quite a demand for water front property, and there were a number of sales of large properties.

Mr. Wall: We are dealing with different assessment dates.

Mr. Stout: Well, let me handle the witness, will you?

Mr. Wall: Well, I think it isn't quite fair to make a comparison that way. In one case he is dealing with one assessment date and in another case he is dealing with value as of a different assessment date.

Mr. Stout: Well, I asked the witness whether he knew of any sale that evidenced the true market value of the property at the time of the sale, not now, or some other time, but at the time of the sale, and then I directed his mind to the Cunard sale, and he said that was in the same class, that is, generally speaking as the sale of the New York Bay to the Lehigh Valley, and the sales to the Lehigh Valley Railroad Company for their terminal property.

Mr. Wall: My only point is that it should be definite as to dates. If it is clear as to time, then that is the whole objection.

Mr. Stout: Well, can you make it any clearer by saying at the time of the sale?

Mr. Wall: No, but first get the price at the time of the sale. He didn't say it was the price at the time of the sale. He is testifying to certain assessments here. If it is clear he is comparing the same things, well and good, if it isn't why, then, there is some force in my objection.

Q. Is that your best answer, at a reconciliation? A. I don't think my answer needs a reconciliation.

Q. You think that it was a normal price when you testified last March? A. I said that at that time there was a good deal of demand for properties of that character and size, that it was a fine piece of property, but in my opinion it brought a full price.

Mr. Jess: Well, Mr. Stout, isn't the question now whether he testifies as to the same thing or not?

Mr. Stout: Yes.

Mr. Jess: I would like to get clear just what his view is. He said at that time that that was a normal price. Now, Mr. Corbin, what have you to say to that now?

The Witness: Well, I wouldn't use the word "normal," because I think that is rather difficult to explain. I should say that the property of the Cunard Com-

pany was purchased at a time, or about a time, when there was quite a number of sales of these large properties on the Hudson River being negotiated, or having been concluded. And I think that while they did buy a very fine piece of property, perhaps the best available property for their purchase, I think they paid a full price for it.

The President: They paid which?

The Witness: A full price for it.

Mr. Jess: Well, I understood you to say in response to Mr. Stout's question, that that sale, the Cunard sale, was in the same class as the New York Bay and the Lehigh Valley sales, where you thought the price paid was in excess of the market value, and what I want to get at is whether in dealing with the Cunard sale now, your opinion as to the value of the property, or as to the price paid, has changed any since you testified before, whether upon further consideration you are now prepared—you are now of the opinion that the Cunard price was in excess of the fair market value.

The Witness: I think it was a very full price for the property, and I think that the sales of some of the properties Mr. Stout refers to there, purchased by the Lehigh Valley Railroad and others, on the Communipaw flats was, in many instances, in my opinion an excessive price, and I happen to know that I could have bought some of the properties for considerable less than they sold for, and I had them for sale. That is all I can say.

Q. In your opinion, is there a distinction between a full price and a market value? A. I think a market value is a very difficult term to define. The value of these properties exists to quite an extent in the minds of the purchaser as to how available they are for their uses.

Q. Well, what do you mean when you say now—using the term "full" price instead of "normal," what do you mean by "full" price? A. Well, I think it means just what I say, it was a very full price. I think that if the Cunard people had waited a little bit after all this excitement about these properties was over, I think they could have bought it for quite a little less than they paid for it. In fact, it had been idle for years, and they were deriving no revenue from it—the owners.

Q. Do you think a normal price and a full price are of the same effect? A. No, hardly.

Q. Do you know of sales of property further up the river that sold at a greater price per acre than the Cunard property? A. At a greater price per acre?

Q. Yes? A. No; I know of one piece of property that sold for about the same price per acre, only one piece.

Q. The sale of the Lord Construction Company to the New York State Realty and Terminal Company, which is an associate company of the New York Central, isn't it? A. I so understand it.

Q. Do you know what was paid per acre for that land? A. About—an average of about $70,000.

Q. Well, that is in excess of the price paid for the Cunard property? A. Well, it is practically the

same. The Cunard was a little over $69,000 an acre, as I figure it.

Q. The way you figure it. Well, you get the figure, do you not, by dividing the acreage into the purchase price? A. Yes, but there has been some question there as to the—

Q. Acreage? A. Absolute area.

Q. Did you have anything to do with compiling these figures (indicating papers)? A. I did not.

Q. Your estimate of the Cunard is $69—about $69,000 an acre, is it? A. Yes. Well, I have $69,227, to be exact.

Q. Now, then, coming back to Hudson County. You can only give us this one sale, the International, the sale of the International Elevating Company that was made by you?

Mr. Wall: You mean Jersey City—coming back to Jersey City, don't you?

Mr. Stout: Yes.

A. Yes.

Q. That is the only one? A. That is the only one.

Q. Do you remember testifying before this Board last March on the appeals of the Associates of the Jersey Company, New York Bay Railroad Company and the Pennsylvania Railroad Company, Lessee, in respect to this property of the International Elevating Company? A. I think I did, yes.

Q. And do you remember testifying as follows: "Mr. Corbin, you are familiar with the sale of the American Coal Company to the International Elevator Company? A. Yes; I made that sale. Q. And the selling price was $300,000? A. $300,000. Q. Do

you remember testifying in the Eighth Avenue Railroad cases in New York City that the purchasers were offered $50,000 more than they paid for it? A. Yes; that is so understood." Did you so testify? A. I presume I did. I didn't say that I knew they had. I said that I heard that they had been offered some increase later, but I have no knowledge as to whether that information was correct or not.

Q. Now, will you tell us just how you arrive at the value of a particular piece of shore front property?

Mr. Bain: Objected to, unless the particular character of shore front property is specified. Shore front property is of various characters. The question is indefinite unless a particular kind of shore front property is indicated. You might have a strip extending from the bulkhead line to the pierhead line, and you might have a piece of shore front property with a depth of 100 feet or 200 feet, or 500 feet, or 1,000 feet behind the pierhead. Unless the character of the property is indicated I think the question is indefinite.

Q. Well, I will let the witness specify his property? A. Well, will you repeat that question, please?

(Question read.)

A. Well, in my opinion, the first element of value in the water front property is the depth of the channel leading up to the property.

Mr. Wall: I don't think the President heard you.

The Witness: I say in my opinion the first element in a water front property is the depth of water in the channel leading up to the property, in front of the property; the character of the subsoil, whether or not the property has railroad connections, the distance from the pierhead to the bulkhead line, the distance from the bulkhead line to the shore line, the amount of solid ground, the access to a public highway, city facilities, such as sewer, water, gas and so forth, fire and police protection, proximity to a labor market and the ease and dispatch of bringing in labor.

Q. All right, continue. A. That is about all I can think of.

Q. So that you examine a property and observe what you think are its potentialities and stop there? A. I wouldn't say that I stop there.

Q. Well, I want to know how you put your value on it? A. A property, an unimproved water front property, a property that is not in use, of course, has no real value at the time as a producer of income. It only has potential value. It is the best use to which the property can be put.

Q. Don't you take a base price on the land before it is improved, and then determine what it would cost to improve it and arrive at the finished product? A. Well, necessarily the cost of improving a property of that kind would enter into the consideration of value.

Q. What do you know about the cost of improving this class of property? A. Well, I have had a great deal of filling done, and represented the firm of Hughes Brothers and Bangs in dredging, and I have built a dock myself on property that I owned; I have filled

in property that I owned; I have put about 350,000 or 400,000 yards on my Staten Island property; I have talked with engineers and contractors and architects on the cost of buildings, piers generally. I have no technical knowledge on the subject, because I am not an engineer.

Q. Could you tell by taking a specific piece of property what it would cost to fill it in, bulkhead it and so forth? A. So far as the bulkhead is concerned, my estimate of its cost would not be as accurate, naturally, as a dock builder. But so far as the cost of filling is concerned, or dredging, it would be as good as you could get from any of the contractors, because I am in touch with quite a number of them in New York City. I furnished the Pennsylvania Railroad sixteen hundred or seventeen hundred thousand yards of fill on the Greenville terminal some years ago.

Q. So you take that into consideration in determining the value of a piece of property, do you? A. Necessarily you must—

Q. Well, then, will you tell us how you arrived at the value of the so-called Harsimus yard of the Pennsylvania Railroad as of January 1, 1921? A. Well, by reason of my knowledge of water front conditions.

Q. Well, you put a value on it, now, let's know how you did it?

Mr. Wall: Is this an examination for qualification?

The President: I wouldn't hardly say so.

Mr. Stout: Why, it seems to me that what we are endeavoring to find out here is how this witness arrives at the value of

shore front property, and unless we know the processes by which he arrives at the value of a piece of property, how can it be determined as to whether he is qualified to speak as to the value of a particular piece of property?

The President: Is there an objection?

Mr. Bain: Yes. Mr. Wall objected to the question. Amplifying that objection, I desire to say it seems to me that the cross-examination as to qualification should be directed to the knowledge of the witness of facts and not such an exploration as Mr. Stout has been indulging in for the last ten or fifteen minutes. He hasn't been asking the witness about facts at all, for the most part.

The President: The Board is inclined to sustain the objection.

Mr. Bain: Of course, I think it is quite proper for Mr. Stout to ask any questions as to facts which ought properly to be within the knowledge of an expert.

Mr. Stout: I always thought that the way you test the ability of an expert as to the value of anything was to ascertain, having possession of certain knowledge which he says he has, whether he applies that knowledge. Now, this witness speaks in a general way, he talks about sales, but he has only one sale of property that has been made during the past six years that to his mind evidenced the market value of the property at the time of the sale. So, evidently he can't use sales as a criterion of value. He has got to take each sale and tear it apart

and place some value upon the particular piece of property. Then, I think, it is very pertinent to find out how he arrives at the value of a piece of property, and if he uses methods in attempting to arrive at the value of a particular piece of property which do not conform to the standard, why, it seems to me that he is not qualified to testify as to the value of a particular piece of property. If the Board thinks otherwise, all I can do is to have my objection noted on the record.

Mr. Stallman: I think, if the Board please, Mr. Stout's objections would more properly go to the weight of the testimony after it had been given, to ascertain whether it has any weight which this Board should give to it.

Mr. Jess: Mr. President, it seems to me this is a good deal like the speech made in the Irish Parliament by somebody that they ratify the treaty and debate it afterwards. In this case the President has ruled.

Mr. Wall: How did the President rule?

The President: The objection is sustained. You may proceed.

DIRECT-EXAMINATION continued by Mr. Wall:

Q. Mr. Corbin, we will now take up the Pennsylvania properties specifically.

Mr. Stout: Pardon me, I desire to have noted on the record that I object to Mr. Corbin's qualifications as an expert on shore front property.

The President: The objection may be noted.

Q. Take up the Greenville terminal and then go through them. You have got them in the same order, so we will save the time for questions, if you will just give their names and acreage and valuations that you applied to them, their market values as of January 1, 1921. A. Greenville terminal—

Mr. Jess: May I ask, Mr. Wall, if you think it is proper, and I put it that way because I don't know that it is, but for my own information at this time I would like to know unless you think the question ought not be answered, whether the values which Mr. Corbin will give now will in anywise differ from values which he has heretofore given on these properties?

Mr. Wall: I don't know, sir, I haven't compared them, value for value.

Mr. Jess: My only purpose in asking that was, that if they were then I wanted to particularly make a note of that in going over the record, that is all.

The Witness: Yes, I have changed the valuations on quite a number of these properties. I have increased them.

Mr. Jess: All right.

The Witness: Over my former appraisals.

Mr. Stout: May it please the Board, it seems to me that the witness should be permitted to testify to every piece of property that he—

Mr. Jess: Oh, Mr. Stout, it wasn't my thought to exclude any testimony.

Mr. Stout: I see.

Mr. Jess: Oh, no.

Mr. Stout: I thought maybe you were relying upon your own recollections of the records in other cases.

Mr. Jess: Not at all. I simply thought in perhaps going along—well, I don't know that that is necessary. He has answered the question.

The Witness: Well, I will begin with the properties of the Pennsylvania Railroad on the Greenville terminal on a plot of 12.731 acres, I valued that at $168,049.

Q. That is main stem, isn't it? A. Yes.

Q. Did you give the acreage value? A. Yes, I gave—

Mr. Stout: How much per acre?

The Witness: $13,200.

A. (Continuing.) Then outside of the main stem, excess in the terminal tract, between the Morris Canal and exterior line for piers, exclusive of the 150-foot channel, I have valued that property at $3,561,200, a total of 343.137 acres. That includes the land and land under water.

Q. And what did you value the upland at per acre? A. $13,200, and the land under water at $4,000 per acre. And the main stem of 2.932 acres, I valued that at $255,435, $87,120 per acre.

Mr. Stout: Mr. Corbin, would you go just a little slower, so that we can take notes?

The Witness: All right.

Q. What was the acreage of that, please? A. That is 2—no—up to Washington Street, you

know. That is 2.932 acres. It is north of Montgomery Street.

Q. That is the main stem of the United Railroad Company, isn't it, and you value that at $87,120 per acre? A. That is right. The total valuation is $255,435. Now, the land outside of the main stem, excess north and south of the main stem, in the terminal tract, from the east side of Washington Street to the pierhead line, I valued that at—

Q. Thirty acres? A. 30.564 acres; I valued that at $2,265,351.

Q. And how is that divided up per acre? A. Well, I valued it—do you want the detail of it, the analysis of it?

Q. Well, if you have given different acreage values to different portions of it, let us have the different acreage values. A. I valued 21.56 acres of land under water first and then valued the land in the rear, and this is the way I made up the valuation if you want it in detail.

Q. Well, just give us the acreage value. A. The acreage on the whole 30.564 acres is $74,110 per acre. That includes the entire tract, 30.564 acres.

Q. Yes. Now, the solid land in the rear, what did you value that at per acre? A. $87,000.

Q. And the rest of it, what did you value it at per acre? A. I valued that by the front foot, $2,100 per front foot at an average depth of 1,311 feet.

Q. I see.

Mr. Jess: How much is that? Have you got that value per front there?

The Witness: Yes, $2,100.

A. (Continuing.) Now, the next parcel of land outside the main stem, 240.72 feet front on the bulkhead line, extending south from the north side of Exchange place to the south side of the Annex Slip—

Q. Acreage? A. The acreage is 3.623.

Q. Yes. A. I valued that at $300,900.

Q. And you value that by the front foot? A. By the front foot, $1,250.

Q. And what is the average price per acre? A. $83,250. Now, the next one I valued was the parcel outside of the main stem in excess of the terminal tract, from Henderson Street to the pierhead line, from a line parallel with and 45 feet north of the south line of pier in to Morgan Street.

Q. What is the acreage of it? A. 98.835.

Q. That is the Harsimus yard? A. Yes.

Q. What did you value that at? A. Value 98.835 acres, I valued at $5,973,095, or an average of $60,400 per acre. The next parcel is the land at Castle Point on the Hudson River from the shore road to the exterior line for piers.

Q. Before you come to that how about the main stem through the Harsimus Yard? A. Well, I didn't put that valuation down here, Mr. Wall.

Q. Would you value that— A. I would value that about the same as I did the other.

Q. I see. A. This plot at Castle Point has 359,326 square feet, or 8.249 acres. I valued that at $359,326, or a dollar a square foot. Now, Blocks 4 and 5, Lots A and D—

Q. Those are third class, aren't they? A. Oh, you don't want the third class?

Q. We don't want the third class.

By Mr. Stallman:

Q. Will you take the Lackawanna book next, Mr. Corbin? A. Well, the first parcel I have of the Lackawanna is the Jersey City Terminal, total area 131.840 acres. I have valued that at $6,447,728.

Q. Was that at a uniform rate per acre or did you— A. No, sir. I valued it—I took the frontage first and put an area of 46.818 acres, an average of $58,613 per acre, worked out by the front foot basis, and 85.022 acres at $43,560 an acre.

Q. What is the front foot rate? A. $2,200.

Q. Have you got the extensions of those items? A. Yes. The first item on the front foot basis is $2,744,170 and the second item of 85.022 acres is $3,703,558.

Q. Now, the Hoboken portion? A. I valued that at $2,155,477.

Q. How is that made up? A. That is 40.068 acres; I took it $48,905 per acre average, and I added ten per cent additional for the intensive ferry use; that is $1,959,525.

The President: You will have to speak a little louder.

A. (Continuing.) Now, I added ten per cent additional to that, which is 195.95, makes a total of $2,155,477, or an average price for the entire tract, land and land under water, of $53,795. Now, then, do you want the next parcel?

Q. Yes. A. The next is the ferry tract. Total area 10.315 acres. I valued that at $1.50 per square foot or $673,982.

Q. The next one? A. Plot known as the Manor

property, having an area of 7.261 acres, 333 feet on the water front; I valued that at $416,250.

Q. Is that on an acreage basis? A. No, that is on a front footage, $1,250 a front foot.

Q. And the next one? A. The next property, known as the Ocean Steamship plot, having an area of 16.136 acres, I valued that on a front foot basis, 545 feet at $1,700 a front foot, $926,500 or $57,418 per acre.

Q. The ferry basin. A. The upper ferry basin has an area of 1.525 acres, 69 feet of frontage on the river. I valued it at a thousand dollars a front foot, $69,000, or at the rate of $45,245 per acre.

By Mr. Bain:

Q. Did you make an appraisal of various parcels of property owned by the Lehigh Valley Railroad Company? A. I did.

Q. And associate companies, as of January 1, 1921? A. I did.

Q. Will you please state your appraisals of the properties of that system as you have them before you? A. Do you want the first and second class properties?

Q. Yes, railroad property known as first and second class property. A. I valued—the first valuation here is Block 2145, Lot 43, I valued that 5.941 acres at $111,476.

Q. $111,476? A. Yes.

Q. That is part of the main stem, is it not? A. Yes.

Q. At what rate per acre was that last valuation, Mr. Corbin, if you please? A. $18,764.

Q. $18,764. All right, if you will follow along with

the next parcel. A. Block 2145, 160 feet west of Van Vorst Street, total area of 2.433 acres. That is part of the main line.

Q. That is part of the main stem from 160 feet west of Van Vorst Street to Washington Street? A. Yes. I valued that at $108,400.

Q. That is at the rate of $45,540 an acre? A. $44,554 per acre.

Q. $44,554 per acre? A. Yes, sir.

Q. Now, the next parcel, please. A. 2145—

Q. Block 2145? A. Block 2145, Washington Street to the extension of the line of solid fill.

Q. That is the exterior line for solid fill? A. Yes. 2.835 acres, I valued that at $129,276.

Q. Or how much per acre? A. $45,600.

Q. And is that also part of the main stem? A. Yes, sir.

Q. Or is that last one, Mr. Corbin, a narrow strip alongside of the main stem? Have you your diagram before you which will show where that property is? A. Which one are you speaking of?

Q. I am referring now to the last one you mentioned, containing 2.835 acres. A. Yes. That is a narrow strip 100 feet—

Q. That is main stem, isn't it? A. 100 feet by 1288.

Q. That is main stem, isn't it? A. Yes, sir.

Q. Now, will you proceed with the next parcel? A. 2145, 41C, I didn't value. Nor did I value Lot 30 in Block 60.

Q. Just take the ones that you have valued. A. Block 2145, the land outside of the main stem and north and south of main stem from a point 160 feet

west of the west line of Van Vorst Avenue extended to the center line of Jersey Avenue, a total area of 25.673 acres. I valued that at $481,752.

Q. What was the average rate per acre, Mr. Corbin, of that parcel? A. Well, the first part of it on the basin was at an average rate of $20,948.

Q. How many feet on the basin? A. Well, I will put it this way, 20.527 acres at $20,948 per acre, and 5.146 acres at $12,000 per acre.

Q. And the first portion which you mentioned, which you valued at $20,948 per acre, was the frontage along the basin, was it not? A. Yes, sir.

Q. And the other portion is the portion that lies along Jersey Avenue if Jersey Avenue were extended? A. Yes, sir.

Q. Will you take the next parcel? A. Block 2145, Lot 45B land outside of the main stem, I appraised—the area 10.100 acres, at $450,000.

Q. How did you value that parcel, Mr. Corbin, according to a particular value along the basin? A. $400 a foot, 1125 feet on the basin.

Q. And that is the property, the land outside the main stem, north and south of the main stem between the center line of Washington Street extended and a point 160 feet west of the west line of Van Vorst Street, is that right? A. That is right.

Q. Now, the next parcel? A. Block 2145, Lots 38A and 45A having an area of 38.380 acres, that is the land outside of the main stem portion of Morris Canal, from the southerly line of the Morris Canal property.

Q. That is what is known as the tidewater basin of the Morris Canal, Mr. Corbin? A. Yes, sir.

Q. And how did you value that property? A. Well, I valued it on a front foot basis first, that was—

Q. According to frontage on what, on the basin? A. No, on the Hudson River.

Q. And how many feet of frontage on the Hudson River? A. 823 feet.

Q. And at what rate did you put that frontage? A. 1,650 feet in depth, I put it at $2,200.

Q. A front foot? A. Yes.

Q. Or how much per acre? A. $58,000.

Q. And how did you value the balance? A. I valued the balance of it at $1.10 a square foot.

Q. That basin, Mr. Corbin, has a channel through it, has it not, 150 feet wide? A. Yes, sir.

Q. And how did you consider the channel in valuing the basin? A. Well, I considered that simply as a public water way.

Q. And what was the total value of the whole parcel? A. $1,754,740.

Q. And that was for how many acres? A. 30.574 acres.

Q. That is the total area of the parcel exclusive of land in the channel? A. Yes.

Q. Now, if you included the land in the channel and had used your total valuation, what would your rate of valuation for the whole parcel be? A. I didn't figure it that way. I would have to figure it up.

Q. You haven't made that calculation? A. No.

Q. Well, that would simply be a matter of dividing your total valuation— A. By the additional area.

Q. By the entire area of the property? A. That is it.

Q. The next parcel, Mr. Corbin? A. Block 1497, Lot 3, that is the land outside the main stem, National Storage Company from Caven Point to the exterior line for piers, exclusive of four parcels assessed locally.

Q. The area of the entire tract is 106.599 acres, and excluding the 18.234 acres assessed locally— A. Would leave 88.365 acres.

Q. As the portion that you valued? A. Yes. I made the total value of that $1,188,176.

Q. And did you place any value per front foot on the property? A. I valued it all on a front foot basis, and divided it up into three zones.

Q. Just state what your values were per front foot? A. $550 for the first and $450 for the second and $400 for the third.

Q. And where were those front foot values placed? A. Well, I started at the water front on New York Bay and went back on the first zone 1,200 feet, the second 1,400 and the third, 1,400.

Q. This property we are now discussing is what is known as the Black Tom terminal, isn't it? A. Yes, sir.

Q. And this is a long peninsula that juts from the shore line out into New York Bay? A. Yes.

Q. Did you fix a value there on the peninsula according to a frontage on the Bay? A. No, on account of the shape of that property, I divided

it up in the way in which I have indicated, just in three parcels, one, two, three.

Q. And were your front foot values placed beginning at the pierhead line and running back on the property? A. Yes.

Q. Where was your highest front foot unit placed? A. Well, the first unit I made it $500—$550 a front foot.

Q. Was that at the front end? A. That is at the front end, and the second was adjoining to the west, and the third was still farther west.

Q. Now, your total valuation I think you said was $1,188,176, is that right? A. Yes.

Q. And have you calculated the average price per acre of the whole parcel? A. $13,500.

Q. The next parcel? A. That is all of the Lehigh Valley.

Q. Now, what about that part of Lot 2L in Block 1507 that the Lehigh Valley Railroad Company recently purchased of the New York Railroad Company? A. That is 14.738 acres.

Q. What is your— A. I valued that at $10,000 per acre, $147,830.

Q. Have you also made appraisals of various parcels owned by the Central Railroad Company of New Jersey? A. Yes, sir.

Q. That is, as of the same date, January 1, 1921? A. I have.

Q. Will you please state your appraisals of the property of that company as you have them before you? A. The first one that I appraised here was the part of that main stem, beginning at East 21st Street, having an area of 7.504 acres.

Q. That is part of the main stem of the Constable Hook branch? A. Yes, sir.

Q. In Bayonne? A. I valued that at $12,000 per acre, $90,048.

Q. The next parcel? A. That is part of the Constable Hook branch also, 4.580 acres, I valued that at $12,000; that is, $54,960.

Q. That is the portion of the main stem of the Constable Hook branch running from what is known as the highway to the end of the line? A. Yes, sir.

Q. The next parcel? A. The next parcel is a parcel having an area of 4.028 acres. I valued that at $20,000 an acre. That is $80,560.

Q. That is what is known as the Fort Johnson spur? A. The Fort Johnson spur, yes.

Q. From 2,000 feet back to the end? A. Yes.

Q. The next parcel? A. The next parcel was the terminal tract having an area of 97.063 acres. I valued that at $3,740,310.

Q. That is the main terminal yard of the Central Railroad at Communipaw, isn't it? A. Yes.

Q. And how did you make your valuation of that parcel? Did you place a value per front foot upon the property? A. I placed a value per front foot on the property. I divided it up into three parcels. The first is the water front parcel, and the second is land adjoining that in the rear, and then a third parcel still farther west.

Q. Now, the first parcel you valued according to its frontage on the Hudson River? A. Yes, sir.

Q. And what value per front foot did you put on that parcel? A. I put on that $1,200.

Q. Per front foot? A. Per front foot.

Q. And how much is that per acre on that particular portion, Mr. Corbin, or have you worked that out per acre? A. I haven't it here. I think they must have left it off in the office.

Q. Now, what was the rate per front foot on the next portion of that parcel? A. Well, I valued the whole water front in two different parcels. There is one 1,270 feet, another 1,245, both at $1,200.

Q. According to the frontage on the river? A. Yes, sir. And in the total was 24.077 acres. I valued that at $30,000.

Q. Per acre? A. Per acre.

Q. $30,000 per acre. So that your two portions of that parcel you valued at $1,200 a front foot, one frontage of 1,270 feet at $1,240,000 and another portion of 1,245 feet at a value of $1,494,000? A. Yes, sir.

Q. And the portion in the rear— A. $722,310.

Q. At $722,310, or 24.077 acres at $30,000 an acre. A. That is right.

Q. Now, Mr. Corbin, where were those frontages; that is, how did they extend? A. Along the pierhead line.

Q. And was the entire frontage, or is the entire frontage of the whole parcel the sum of 1,270 feet and 1,245 feet? A. Yes, sir.

Q. That takes in the whole frontage? A. Yes, sir.

Q. Have you calculated the average rate per acre for that whole parcel, Mr. Corbin? A. $38,530.

Q. What is the next parcel? A. Block 2145, Lot 48D.

Q. Containing how many acres? A. 71.30.

Q. At what rate per acre did you value that parcel?

What was the total valuation? A. I valued that at an average of $16,114 per acre, total value $1,148,988.

Q. Where is that property located, Mr. Corbin? Have you got your diagram before you? A. Well, that has a frontage of 1,080 feet on the river and extends back in an irregular shape to the main line near the Philip Street branch.

Q. That is the parcel just south of the main terminal yard, isn't it? A. Yes.

Q. Immediately south, running around on the curve of the bay? A. Yes.

Q. Your next parcel. A. The next parcel is Block 2154, 22G. That has an area of 84.724 acres, and I valued that parcel at $1,168,236. It is an average of $13,788 per acre.

Q. Did you place any particular value per front foot on that parcel? A. Well, on the first part of it I placed $600.

Q. A front foot? A. Yes. And on the second portion I placed an average price of $18,484, and the third portion $12,000 an acre.

Q. That is a very large parcel, isn't it Mr. Corbin? A. It is a large and irregular shaped parcel.

Q. Extending from the bay back for some distance? A. Yes.

Q. The next parcel? A. The next parcel is Block 2154, Plot 22J, part of 22J area 96.049 acres. The total value of that I placed at $1,404,132.

Q. How did you value that parcel, Mr. Corbin? A. I valued that, the first portion of it 802 feet on the water front at $750 a foot. And then I valued the remainder at $12,000 per acre.

Q. That is, you valued the portion on the water front at so much per front foot, $750 a front foot,

and the balance of the property in the rear at $12,000 an acre? A. $12,000 an acre, yes. That made the total valuation.

Q. How many acres were there in the front portion and how many in the rear portion? A. In the front portion there was 29.163 acres, in the rear 66.886.

Q. And what is the next parcel? A. That is a tract south of the main stem, Van Vorst Street to Jersey Avenue, total area 28.718 acres, I valued that at $430,770.

Q. Or how much per acre? A. $15,000.

Q. The next parcel? A. There is another parcel of 24.613 acres, that is north of the main stem, Van Vorst Street to Jersey Avenue. I valued that at $393,808.

Q. That parcel contains 24.613? A. Yes.

Q. And what is the rate per acre? A. $16,000.

Q. The next parcel? A. Block 2148, Plot H, area 3.121 acres at $16,000.

Q. Per acre? A. Per acre, $49,920.

Q. The next parcel? A. The next parcel, Block 2048, Plot S, area 19.611 acres, at $12,000 per acre, $235,332.

Q. The next parcel? A. The next parcel is in Block 2145, Lot 25A, and 25D, area 3.986 acres, at $12,000 per acre, $47,832.

Q. Did you value Lots 22D in Block 2154? A. 22D in Block 2154?

Q. Yes. A. 5.610 acres, $12,000 an acre, $235,232.

Q. Let me call to your attention, Mr. Corbin, that that plot contained 5.610 acres, and you said you valued that at $12,000 an acre. Will you multiply that again? A. They must have made some mistake in copying that. I can see that now. It would be $67,320.

Q. Is that your valuation of that parcel? A. Yes, sir.

Q. That is a value of $12,000 an acre for the whole 5.610 acres? A. That is right.

Q. And your next parcel? What about the Fort Johnson spur? A. Oh, yes. That is 2,000 feet back of the pierhead, that is 19.342 acres. I valued that at $20,000 per acre.

Q. Making a total of $386,840? A. $386,840, yes.

Q. Did you also make an appraisal of various parcels owned by the Long Dock Company, one of the companies associated with the Erie Railroad system? A. Yes.

Q. Will you please state your valuations of the property of that company if you have them before you? A. Block 16, Lot B6, having an area of 16—

Q. Lot B6, which one is that? Is that the yard south of Pavonia Avenue? A. Yes. It has an area of 16.558 acres.

Q. 16.558 acres? A. Yes.

Q. And what is your total valuation of that parcel? A. $1,075,533.

Q. A total average per acre of what? A. $64,986.

Q. Dollars per acre? A. Yes.

Q. Now, did you place any particular value per foot along the river on that parcel? A. Well, no, on the Pavonia Avenue—

Q. That parcel does front on Pavonia Avenue? A. Yes, 1,627 feet on Pavonia Avenue.

Q. And did you give the frontage a special value? A. Yes, $2.00 a square foot.

Q. And the rear parcel you valued at what rate per acre? A. $47,916, and I added 10 per cent of the to-

tal amount on account of the proximity to the slip there, Pavonia Avenue and the ferry slip.

Q. So that you gave the parcel all the value that you think it has because of frontage on Pavonia Avenue and because of the proximity to the slip? A. Yes, that is included in the total.

Q. What is the next parcel? A. The next parcel is Block 17, Lot A2, having a total area of 67.830 acres.

Q. That is the large terminal tract north of Pavonia Avenue? A. The large terminal tract, yes.

Q. The tract on which the Erie Railroad passenger station is located? A. Yes, sir. I figured that having a total valuation of $3,595,531.

Q. A total average rate per acre of what? A. $53,007.

Q. Did you consider the frontage of that tract on the river in making your valuation? A. I did. I took the frontage of 1,010 feet at $2,200 a front foot. That amounts to $2,222,000, and the area was 39.161 acres, at the rate of $56,740 per acre.

Q. That is upon the front portion along the river, your rate of valuation is $56,740 an acre, or $2,200 a front foot? A. That is it.

Q. And what about the rear portion? A. The rear, 28.669 acres, are valued at $47,910 per acre. That is $1,373,531.

Q. And your total of the river front portion and the back land is $3,595,571? A. Yes, sir.

Q. The next parcel? A. The next parcel is a tract of land at the foot of Pavonia Avenue under water—

Q. That is entirely under water? A. Yes, .2816 acres.

Q. That is an average rate of how much per acre, Mr. Corbin? A. I valued that 130 feet frontage at $900 a foot.

Q. Front foot? A. Yes.

Q. That is on the river? A. On the river. That is $117,000. Average per acre is $41,547.

Q. The next parcel? A. The next parcel is a tract south of Pavonia Avenue and adjacent to the elevator.

Q. That is entirely under water also? A. Yes. That has an area of 3.164 acres and a frontage of 147.89 feet on the Hudson River. I figured that at $900 a foot.

Q. Front foot on the river? A. Yes.

Q. What is your total valuation? A. Making a total of $133,101.

Q. What is that, if you please, per acre? A. $42,067.

Q. Now, Mr. Corbin, did you appraise the main stem of the Long Dock Company from the solid fill land back to Henderson Street? A. No, I did not.

Q. Nor the property of the main stem from Grove Street to Henderson Street? A. No, I did not.

By Mr. Wall:

Q. Will you go ahead with the New York Central values, Mr. Corbin, and run through those and just give me a short description and the acreage and the amount in acres? A. This first is a parcel fronting on the Hudson River, Weehawken, rather, outside of the main stem south and bounded on the north by the main stem of the West Shore Railroad, on the east by the exterior line for piers.

Q. 20.795 acres? A. Yes, sir. I figured that valuation $894,840.

Q. Average per acre? A. The average for the entire tract was $43,036.

Q. The next one? A. The next one was land—a parcel having a frontage of 1,948 feet on the Hudson River—

Q. Acreage? A. Acreage was 59.720 acres. I figured that at a valuation of $2,436,000, or an average of $40,790.

Q. Per acre? A. Yes, sir.

Q. And how much per front foot? A. $1,500.

Q. The next tract? A. The next one is a plot fronting on the Hudson River, 4,234 feet, and having a total area of 114.281 acres. This is the last piece.

Q. At what— A. The full valuation of that I made $4,763,200, or an average price per acre for the entire tract of $41,678.

Q. And how did you split the frontage? A. Well, I simply divided that property into two parcels, took the southerly half first, which has the greatest depth from the pierhead line back to main stem at $1,500 a foot, and the northerly half at $750 per front foot.

Q. What is the next one? A. Well, I didn't value any of these little parcels yet, I haven't had time to get to that.

Q. Didn't value the little parcels? A. No. I didn't value the little pieces in the rear, except one of them here I did, I believe, value. Let's see. There is one of them there—I believe it is about forty-odd acres. Do you know the number of that? I don't seem to find it here. Oh, that is third-class property.

Q. Well, then, that completes the valuations you have made of first and second-class property of the New York Central? A. Yes.

Mr. Wall: Well, I guess we are ready for your cross-examination.

The President: Mr. Stout, before you proceed, I suppose you are prepared to cross-examine the witness, I was going to suggest that we adjourn now for lunch. You won't conclude the examination within the next half hour, will you?

Mr. Stout: No.

The President: It is now 12:30, if that is agreeable to you. We will adjourn until 1:30.

Mr. Wall: May I make a suggestion so that we can be thinking over it if the Board will rule on it. Suppose we produce other railroad expert witnesses that we have yet, and examine them as to their qualifications, and then as to the specific values that they assign to these different properties, that we get leave to put in a schedule, and Mr. Stout can then examine them as to the schedule. You see we have got it all on paper as it is, and what happens now is that they have to copy down these things from testimony, and we have to drag through each one seriatim, whereas if we produce the schedule, he can have a schedule in his hand and examine them right from the schedule without all this clerical work, and all this time will be saved?

The President: What do you say as to that, Mr. Stout?

Mr. Stout: Why, are the other witnesses going to testify to the same valuations?

Mr. Wall: No, they are all different.

Mr. Bain: All these appraisals were made independently, Mr. Stout.

Mr. Wall: It takes a good while to run through them all seriatim. Why not have it—I can't see that it affects anybody's rights.

Mr. Stout: Well, I will consent that it may be written into the record, the valuations that each witness would testify to as to the particular parcel in question.

Mr. Wall: Yes.

Mr. Stout: Understand me, I don't think it is necessary to have all the data that you have on that sheet copied into the record.

Mr. Wall: Oh, no, we will show you the schedule before we put it in, and if there is anything he wants to object to—he won't object to it when he sees it.

Mr. Stout: Well, rather than have the witness go through his memorandum and testify as to a particular value, why, I have no objection that if the witness would testify to that value that it be written into the record.

Mr. Wall: Yes.

The President: Now, you will recall, Mr. Stout, the suggestion Mr. Jess made this morning as to the examination of those witnesses who come before us now as experts and who have been before the Board on numerous occasions. Now, it does seem to me that that has some merit. However, that is something that is subject to objection.

Mr. Stout: You mean the point is that the witness may be permitted to testify only to the new matter?

The President: No, as to the qualifications, I think it was, of those witnesses who appeared yearly before us.

Mr. Stout: Yes.

The President: Well, your idea, Mr. Jess, was what?

Mr. Jess: My idea was that if possible the examination, the direct qualifying examination and the cross-examination, be limited to any new matter that you wish to bring out. I don't think that we can do that, but my point was that we probably would save time. Take Mr. Corbin's case he was examined at considerable length both by Mr. Wall and by you as to qualifications. Now, if Mr. Corbin is going to be admitted, or Mr. Dunham is going to be admitted as an expert, can't the cross-examination, having that in mind, that the Board will permit them to testify as experts, qualify as experts, can't this examination be shortened a good deal by directing all your examination on the general cross-examination, both as to qualifications and as to the direct testimony.

Mr. Stout: But what the Board knows about the qualifications of these so-called experts might not be in the record.

Mr. Wall: I don't understand that that is Mr. Jess' idea. I understand that his idea is that there shall be one examination and you can thread into that examina-

tion any objection to qualifications that you want, instead of having first, an examination as to qualifications, and then a general examination, each of which dovetails into one, just have one examination and have the whole thing over.

Mr. Jess: That is my idea.

Mr. Wall: I think that is a distinct gain. If you want the record for the Court above, we can just as well have our examination for qualifications in with the general examination as we can by making two separate examinations. That is the idea.

Mr. Jess: Yes.

Mr. Bain: Mr. Jess' suggested method is one that has often been pursued in court. You very rarely find any distinct cross-examination on qualifications.

Mr. Jess: If there was a new witness here, that the Board hasn't admitted, then I think you might go to any length in the cross-examination, but the examination of the witnesses here will tend to discredit the witnesses rather than to disqualify them. That was my point.

Mr. Wall: We are satisfied with that clear through.

Mr. Bain: Yes, I shall treat my cases on that principle.

The President: What do you say as to that, Mr. Stout?

Mr. Stout: As I see it now, subject to a very brief cross-examination, as to qualifications, very brief.

The President: And a cross-examination, following the direct-examination of the witness as to qualifications, is that the idea?

Mr. Stout: Yes.

The President: And it isn't to be included—that is they are not to go together.

Mr. Stout: Yes.

The President: There is to be a pause.

Mr. Wall: Well, I think with our witnesses we will do it the other way, that is with our cross-examination; we will have our cross-examination for qualification go in with the other, understanding that we reserve our objections to qualification.

A recess was here taken until 2 P. M.

After recess.

FLOYD S. CORBIN resumes the stand.

Cross-examination by Mr. Stout:

Q. Mr. Corbin, in your opinion has there been a change in the value of any of the shore front property that you have testified to as of January 1, 1921, over January 1, 1920? A. I don't know that I made an appraisal of any of them in January, 1920.

Q. Without making an appraisal of the property as of January 1, 1920, you wouldn't be able to say as to whether there had been a change in value or not? A. I think in some of these properties they have increased in value. There were a number of sales of properties on the Hudson River from nineteen hun-

dred latter part of 1918 to the early part of January, 1920 some large properties, and I think it is entirely safe to assume that when some of those properties are sold for permanent improvement, especially if they are large properties, that you necessarily have to give consideration to that fact, and I have done so in making these appraisals.

Q. Then in your opinion the property was more valuable on the first of January, 1921, than on the first of January, 1920? A. Some of them. I wouldn't make that as an inclusive assertion that all properties were more valuable.

Q. All shore front properties in Jersey City? A. I wouldn't say that, no.

Q. And it would depend upon the property and the uses to which it could be devoted, is that the controlling factor? A. Well, I think there are—some of the properties increased in value for the reasons that I have just stated.

Q. Are all of these properties that you have appraised and testified regarding their valuations here today in your opinion shore front properties? A. Not all of them, no.

Q. You consider some of the properties back land? A. Yes.

Q. Do you consider yourself an expert on the value of back land property? A. I don't pay as much attention to properties—what you term back land, I call them interior properties—unless they happen to be connected with the shore properties.

The President: Excuse me. What term did you use there?

The Witness: Interior properties, as distinguished from a property that is connected with a water front; that is, in one ownership, a continuous piece of property.

Q. Well, in determining the value of interior land which is tied up to the shore front property, do you use sales of substantially similar back land property to arrive at the value of the interior land? A. Well, that necessarily is some indication of the value of it.

Q. Well, do you do that? A. To an extent, yes.

Q. You haven't dealt in back land in Jersey City or Hoboken? A. Yes, I have sold a number of parcels at different times in various places there. I sold a piece of property, of rear land, to the Tide Water Oil Company three or four years ago, about ten and a half acres, as I recall it, which was an interior parcel.

Q. And is that land connected with the shore front? A. It is not.

Q. And is that land substantially similar to any of the property that you have testified to? A. Some of them.

Q. Will you take that particular sale and show us what back land property, or interior land as you speak of it, is substantially similar? A. Well, I wouldn't predicate any particular value on this particular sale any more than I would on any one sale of water front, but this particular sale itself was a tract of about 8.56 acres, sold for $9,340 an acre down at East 19th and 20th Streets.

Q. Did that sale help you in determining the value of what you term the interior land of any of these tracts? A. No, very little; in fact—

Q. Well, then, let's have a sale of back land that did help you in arriving at the value of the so-called interior lands? A. Oh, I have had submitted to me and I have studied the sales of a great many of those properties which I didn't make myself but—

Q. Well, will you give us one that helped you? A. No, I didn't think any particular one helped me any more than this one, except it just gave me a general idea, that is all.

Q. And that didn't help you any? A. Except in a general way.

Q. Directing your attention now to what is known as the West Shore yard—is that what you call it?

Mr. Wall: The Weehawken yard of the West Shore.

Mr. Stout: Yes. Well, there is only one West Shore yard here, isn't there?

Mr. Wall: Yes.

Mr. Stout: On the Hudson River.

Q. Mr. Corbin, do you consider that property is shore front property? A. I consider it—now, which particular one are you speaking of, the Weehawken yard of the West Shore?

Q. Yes? A. Yes, I consider that a shore front property.

Q. All shore front property? A. I do.

Q. Is there a part of that interior land, as you term it, separated from the portion that fronts on the shore by a highway? A. No, none of these parcels.

Q. None of those? A. No.

Q. How deep is that land? A. You mean back from the shore?

Q. Yes? A. What particular plot are you referring to now? There are several plots.

Q. Well, you say that you valued all of this yard of the West Shore as shore front property, the whole yard. It doesn't make any difference how many parcels go to make it up, you valued it all as shore front property? A. Yes.

Q. Now, then, I want to know the full depth of the yard from the shore? A. Well, it varies greatly. For instance in this—

Q. Well, what is the greatest depth? A. In this first property here of 20.795 acres it is 1,065 feet from the pierhead line on the south side to a point, an irregular point, and on the north side it is about 1,976 feet, in an irregular shape.

Q. Do you consider, Mr. Corbin, that no matter how great the depth, if the interior land is tied up to the shore land that it in your opinion is all shore front property? A. No, sir.

Q. To what depth would you go? A. Well, that would vary with the size of the property the character of the property, and the uses to which it is put. Now, you would have to have a considerable distance back that you would call shore front property.

Q. So you take it into consideration as all shore front property? A. As being in one parcel, but I don't give the same value to it; but it is contiguous and connected up under the same ownership.

Q. Yes, and you consider it all shore front property? A. To that extent. But not worth all the way through the same price per square foot.

Q. I am not asking you that. We will get to that in a minute. Do you consider the property which was sold to the Cunard people all shore front property?

A. The particular piece that was sold by the Delaware and Hudson?

Q. Yes? A. Yes.

Q. You do consider it is all shore front property? A. Up to the tracks of the West Shore railroad.

Q. And what is the greatest depth of that property? A. About 1,450 feet, I think.

Q. It is about the same depth then as the deepest part of the yard of the West Shore? A. No, part of the yard of the West Shore is deeper than that.

Q. Well, I asked you for the deepest part of the West Shore yard? A. Well, it is—on the northerly side it is about 2,000 feet in an irregular line, not a direct line.

Q. Well, will you say that the average depth—that the West Shore yard was about the same as the average depth of the Cunard property? A. Taking it all together it would be less than the average depth of the Cunard property.

Q. How much, approximately how much less? A. Well, one piece of the West Shore at the northerly end is only about—from the main line of their tracks, the east line of their tracks out to the extreme pierhead line is only about 900 and odd feet. The average depth of the Cunard sale that you refer to was about 1,425 feet.

Q. So that the average depth of the West Shore yard— A. Would be less.

Q. Less than the Cunard? A. Yes.

Q. And if two properties were similarly located and could be devoted to the same uses wouldn't it follow that the property that had the more shallow depth would have a higher value? A. I don't think so.

Q. You don't think that shore front property nearness to the shore gives the property a greater value than the back land? A. I don't think I quite understand that question.

Q. Well, which in your opinion is the more valuable, the property immediately adjacent to the shore or bulkhead, so-called, and the property in the extreme rear of a particular plot, which is the more valuable?

Mr. Bain: Speaking now of no particular location? Is that question entirely general?

Mr. Stout: Well, Mr. Bain, if you would have listened to the previous question you wouldn't have to ask that. I have taken two pieces of property having the same location and to be devoted to the same uses.

Mr. Bain: I will ask that the question before be repeated.

(Question read.)

Mr. Bain: I submit that that question is a question of general application, and indefinite. I object to it.

The President: Overruled.

A. That question I couldn't answer specifically. It would depend upon the different conditions.

Q. Do you know generally of any shore front property here under review that the land adjacent to the bulkhead is less valuable than the so-called interior land? A. No, I wouldn't say it was less valuable.

Q. No. Isn't it a general rule that the shore front property which abuts on the bulkhead is more valuable than the interior land? A. As a rule, yes.

Q. Now, take this West Shore yard, what is your value per acre? A. Of what particular piece now?

Q. Well, didn't you put a uniform valuation on the yard? A. I did not.

Q. Well, you see I am somewhat handicapped because I haven't got these records— A. You can look this over (handing book to counsel). That is the first piece that I valued (indicating).

Q. Well, this tract known as the—

Mr. Wall: Just give the acreage of it.

A. 20.795 acres.

Q. Well, there isn't any other of that same acreage. It is known as the ferry tract, isn't it? A. The ferry tract.

Q. Consisting of 14.715 acres. Did you put an average valuation on that tract? A. I did. But I didn't arrive at the value by putting an average on the whole thing. I arrived at it by using two units of value.

Q. All right. That is what I want to come to. Now, then, just give us an analysis of your valuation? A. On this first tract?

Q. Yes? A. This first tract I valued at $1,200 a foot, an average depth from the pierhead line back of a thousand feet. The larger tract of the West Shore above I put an average price of $1,500—

Q. Hold on. No, no, no, no. We want to take this one up. You say you went to an average depth of a thousand feet? A. Yes, sir.

Q. And put a valuation on that, and then you put an average valuation upon the remaining interior portion? A. Yes.

Q. Why did you stop just at a thousand feet? A. Well, because I think you have to have some line of demarcation. You can't go on a piece of property of that character indefinitely as to distance from the bulkhead line.

Q. Well, why not make it 750 instead of a thousand? A. Because I think a thousand feet is a fair distance. There is no law against making it anything you like.

Q. Oh, I understand, no; only yours. But you have no other reason than that you ought to stop somewhere, and in your opinion you ought to stop at a thousand feet? A. Well, I thought that was the fair—

Q. And what valuation—

Mr. Stallman: Mr. Stout, will you have put on the record that that thousand feet runs from—

The Witness: Yes, from the pier line.

Mr. Stallman: From the exterior line for piers back a thousand feet?

The Witness: Yes.

Mr. Stallman: The first unit or first zone?

Mr. Stout: Yes.

Q. And what value per acre did you put on that? A. I didn't value it by the acreage. I valued it by the front foot, $1,200.

Q. $1,200. How much would that be an acre? A. That included some land—and land under water.

Q. That would be a little over $50,000 an acre?

Mr. Stallman: $52,272.

Q. And what valuation did you put on the remainder? A. About $30,000 an acre.

Q. $30,000 an acre. Now, will you tell us how you arrived at the $52,000, fifty-two odd thousand dollars per acre, or $1,200 a front foot for the thousand feet back from the pierhead line? A. How I arrived at it?

Q. Yes? A. Simply as a matter of comparison, that is all.

Q. Well, what did you compare it with? A. I compared it with a number of sales of properties of that character.

Q. All right, let's have them? A. Well, you have to go all the way down the Hudson River. I can give you all of them.

Q. All right, let's go aways and see how far we go? A. Well, if you want—here is one sale—

Q. Why don't you start with the Cunard sale? A. Well, I want to give you a number of them.

Q. Well, start— A. Start at the borough?

Q. Yes?

Mr. Wall: Start in any order you want. He asked for them all.

Mr. Stout: Don't you want to start that way?

Mr. Wall: No, I don't want to fuss him up with his book.

Mr. Stout: Oh, you can't fuss him.

A. Well, here is a sale at Edgewater of a piece of property at $677 a foot, the Winterburn sale.

Q. Where is that property? A. That is at Edgewater, New Jersey, on the Hudson River.

Q. How far from this property? A. Oh, it is about two miles and a half.

Q. Two miles and a half. Could it be devoted to the same use? A. To a large extent. It isn't as

big a property, of course, but it has practically as great a depth. It has a total depth of—

Q. In your opinion—

Mr. Stallman: Let him finish his answer.

A. —1,350 feet from the pier line. Now, another piece of property—

Q. Just a minute. In respect to that sale, when was that sale made? A. Why, that sale was made in 1920.

Q. In 1920. And would you say that it was a substantially similar property? A. Well, it is similar to the extent that it had frontage on the Hudson River and land in the rear and a railroad connection and a highway.

Q. Well, in your opinion, is that property of equal value with the West Shore yard? A. I think the sale price would indicate that it isn't.

Q. Well, what do you say? A. No, it isn't.

Q. It isn't? A. It is not. If any—$677 a foot.

Q. So that sale didn't help you very much, did it? A. It helped me as much as any one sale did.

Q. Do you think that property which sells at half the value, or about half the value, which you place on another piece of property is of very much assistance in arriving at the value? A. To the extent that you have to take into consideration all of these sales. You can't take any particular sale.

Q. I know, but is it your opinion that a piece of property which is only worth one-half of another piece of property two and a half miles from it is of some help in determining the value of the piece of property under consideration? A. Yes, they all are,

they all are to the extent that they show what these properties sell for.

Q. What is this property, improved or unimproved? A. Unimproved.

Q. Unimproved? A. Unimproved to the extent that there is no bulkhead on it, that is all.

Q. How much, in your opinion, would it cost to put that property in the same condition as the West Shore yard was on January 1, 1921?

Mr. Wall: I object. He hasn't qualified as a railroad engineer, laying out railroad yards.

Mr. Stout: Well, he is comparing lands.

Mr. Wall: I know, but to put it in the same condition of improvement that the West Shore yard was is not quite fair.

Mr. Stout: Unless you make the properties as nearly similar as possible I don't see how you can compare the one with the other.

Mr. Bain: The question is also objectionable on the ground that it is an attempt to get information as to the value of one piece of property by comparing it with another piece of property, there being no substantial similarities or conditions and by adding something to the property used for a comparison in order to bring it up to the same condition as the property the value of which is to be determined. That is erroneous as a matter of law.

Mr. Stout: If the witness will say that the property is dissimilar, why, then, I will go on to the next one.

Mr. Bain: The witness has already said so because he said the difference in price indi-

cated a difference in condition of the property.

Mr. Stout: Well, I will ask the question.

Q. In your opinion is that piece of property similar in value or dissimilar to the West Shore? A. No, it isn't similar in value to the extent that it wasn't—it didn't have a proper bulkhead on it. It was similar to the extent that it had a frontage on the Hudson River with some high land, land in the rear. It had a suitable distance back for a good development from the pierhead line to the rear of the property. It had rail connection, and it had a public street with city improvements in it, water, gas and sewer, and so forth.

Mr. Bain: The real test, may it please the Board, is whether the two properties are similar in condition and location.

Mr. Stout: Well, then, I will confine my question or questions to the witness's testifying to properties similar in condition and location to the West Shore property which helped you in determining the value of the West Shore property as of January 1, 1921.

Mr. Bain: I think counsel misunderstands or misapprehends what I said. He is seeking to determine value by comparison with the prices paid for other property. That may not be possible with the illustration he has just used—how far all of these sales may be taken into consideration as matters of general information, not to determine value by way of comparison; there is a distinction between those two matters, and I think counsel ought to bear it in mind.

Mr. Stout: I submit that the question is proper and I ask for a ruling.

The President: Well, was there an objection?

Mr. Stout: Yes.

The President: Overruled.

Q. Will you name the properties which you consider similar in location and similar in condition as of January 1, 1921, which helped you in determining the value of this particular piece of West Shore property? A. There are no properties that are exactly similar in condition or location—

Q. I didn't say exactly? A. —because the locations vary as well as the size of the property, the frontage, the area, and the depth between the bulkhead and pierhead line, and various other conditions.

Q. How would you compare the Cunard property with the West Shore yard, this particular tract? A. The Cunard property is—the great bulk of the Cunard property is land under water. It is a piece of property that is well shaped up for very high-class development.

Q. Do you think it is better— A. Well, it is much more readily adaptable to the purpose of building large piers, long piers, for ocean going steamers than any of this West Shore property unless you would make a very expensive improvement by cutting into the land and taking it away.

Q. But adapting— A. You couldn't build a thousand-foot pier, for instance, in front of this ferry tract.

Q. But adapting the Cunard property to the same use as the West Shore, it would be equally as avail-

able? A. I don't think so. I think the Cunard property is better adapted for the purpose that apparently they had in mind for it, and that is a high-class freight and passenger terminal.

Q. I know, but I am saying devoting it to the same use as the West Shore, what would you say? A. No, I think the West Shore is probably better adapted for a railroad yard than the Cunard property would be.

Q. That sale to the Cunard people, though, helped you some, did it not, in determining the value of the West Shore yard? A. Only in a general way. All of these sales helped.

Q. Well, now, the sale of Lord Construction Company to the New York State Realty & Terminal Company, is that property comparable with this tract of the West Shore? A. Only in a general way. The Twombly property, so-called, a part of the Woodcliff property that was sold to the New York State Realty & Terminal Company is practically all land under water.

Q. How far is it from the West Shore yard? A. Oh, it is—from the extreme northern part of the West Shore yard I suppose it is about 1,500 feet.

Q. Do values increase as a general rule as you go up the river? A. They do not.

Q. Well, do they decrease? A. They decrease.

Mr. Bain: I think that ought to be limited to a particular section of the river. It is one of those general questions that—

The Witness: I am assuming now that he is talking about the most congested part of the Hudson River and going north.

Q. Well, where in your opinion is the most intense value on the shore front of the Hudson River and New York Bay?

Mr. Bain: On the Jersey side?

Mr. Stout: On the Jersey side, yes.

A. Oh, I should think beginning at a point about opposite 14th Street, New York.

Q. And where would that be on the Jersey side? A. That would be about opposite the Erie.

Q. Is that property you mean of the Long Dock? A. Yes, the terminal, and the Lackawanna terminal, and the part that was formerly the Hamburg-American dock.

Q. Well, do you think those have all the same value? A. No.

Q. Well, I am asking for the most intense value? A. Well, that depends upon the property itself. These properties are not like city lots 25 by 100 feet. There is no scale by which you can determine these properties. You can have no unit of measurement.

Q. I realize all that, but I am asking you, Mr. Corbin, in your opinion, taking the way that you valued property, where is the highest value on the— A. Along the Hudson River.

Q. Yes? A. I should say from a point beginning at Rector Street, New York, and going up to about 42nd Street.

Q. Well, we will stay in Jersey. I thought we wanted to stay over here, on the West Shore? A. Well, from the Weehawken Ferry station to the Pennsylvania terminal, Jersey City.

Q. All of the highest value? A. I say that is the most valuable.

Q. Well, I am asking you the point of highest value?

Mr. Wall: You mean the piece of land that is the most valuable on the west bank of the Hudson?

Mr. Stout: Yes.

Mr. Bain: Taking into consideration its physical condition and everything else?

Mr. Stout: Yes.

Mr. Bain: And the depth of water in front?

Mr. Stout: Yes.

A. Well, I should think along the Lackawanna terminal, the Hamburg-American docks, and the North German Lloyd docks, along in through that section.

Q. Does property generally decrease in value as you go north? A. As a general proposition, yes.

Q. To what point? A. Well, all the way up to a point about opposite 135th Street.

Q. Well, would you in going the other way say that they decrease, taking them going south? A. Coming south from 135th Street?

Q. No, from the Lackawanna yard, or the Hamburg-American piers? A. No, I wouldn't say—I would say that it would depend to a great extent on the properties themselves, its frontage and the area and everything else. You can't make any rule offhand for these properties. If you could, all you would need to do would be to bring in some person and give him these figures which I have here and he would be just as good as anyone else; it would simply be a matter of calculation then.

Q. Don't you know the sales? A. Yes, I know the sales.

Q. Well, where is the high sales? A. Well, the Cunard sale is about as high as anything that I know of.

Q. You don't know of anything higher than the Cunard sale? A. No, that is about the highest; that and the Winterburn sold to the New York State Realty & Terminal Co.

Q. Which sale was the most helpful to you in determining the value of this particular piece of property of the West Shore? A. That would be impossible for me to answer. I simply made these appraisals on the basis of my knowledge, of twenty-three years in the sale and leasing of these properties all over the harbor, and of the records which I have kept, and the offer that I have made for properties and offers that have been refused for properties.

Q. You don't know of any property in the condition in which this property was on January 1, 1921—

Mr. Wall: Referring to which property?

Mr. Stout: Well, this West Shore property.

A. The ferry tract?

Q. This ferry tract? A. The exact size and shape and physical condition?

Q. No, do you know of any piece of property that sold at the rate of $40,000 an acre? A. Well, that Winterburn—I mean that Woodcliff property sold for a good deal less than—

Q. I know, but that is an unimproved property two miles and a half up the river, and I don't believe it had very much weight with you in arriving at the

value of this ferry property? A. Well, that is a very large piece of property, had 2,165 feet of water front, and had a lot of land in the rear.

Q. Well, do you know of any improved piece of property on the Hudson River which sold for $40,000 an acre within the last five years? A. No, these properties, these improved properties as a rule are not sold; they are kept by the people who own them because they have them for a specific purpose.

Q. But the sales of improved property which have been made have all been in excess of that? A. I wouldn't say that.

Q. You wouldn't say that? A. No.

Q. Well, will you give us a sale of improved property at less than $40,000 an acre? A. I don't know of any sale in the last two years of improved property.

Q. Well, how far do you want— A. There is none that I can call to mind, and I think I have them all, except perhaps the Pyle property.

Q. How about the International Elevating Company? A. Oh, well, that is too small to compare with the West Shore freight yards.

Q. I know but— A. You might compare a wheelbarrow with a ten-ton truck just as well.

Q. Well, don't you have an average valuation for shore front property? A. I do not.

Q. You do not? A. No. Any man that tried to do it would be foolish.

Q. You think that a piece of property that is shallow on the shore would be of less value than the same piece of property if it had greater depth? A. You are indulging in too many generalities now.

Q. Well, you are an expert on them.

Mr. Wall: We didn't qualify him on any such generalities as that.

Q. You want us then to understand, Mr. Corbin, that this is the result of your study, and you could make it any value that you saw fit if that was the conclusion which you reached, irrespective of whether it was based on sales or what it was based upon? A. My appraisal of water front properties, Mr. Stout—

Q. I would like to get—there is no handle to this thing? A. —is like the appraisal of any other man or it should be. My appraisals are based on first my experience of 23 years in the selling of millions of dollars worth of this property in New York harbor, in selling a lot of the leases, in getting offers for the property and having them accepted and also having offers rejected, in making bids for various kinds of properties, some little general knowledge of how the properties ought to be used and improved and so forth. Now, after all that experience I sum it all up and I say that a piece of property of this character, having in mind all these sales, in my opinion is worth about so much per front foot or so much per square foot. Necessarily I try to use a little intelligence in making comparisons.

Q. Well, do you think this sale of the Lord Construction Company to the New York State Realty & Terminal Company was the market value? A. I do not; positively not.

Q. In your opinion in excess of its market value? A. Well, it was sold for 50 per cent more than was paid for it before they took title.

Mr. Bain: A few days?
The Witness: Yes.

A. (Continuing.) So it wasn't the market value, and I sold a piece of property right near it, a better piece of property, for about a third the money.

Q. You don't mean to say that that is a significant fact that a property was sold in the course of a few days at 50 or a hundred per cent more than the previous purchaser paid for it? A. It is a significant fact in my opinion—

Q. I mean of value? A. Yes. I think they paid more than it was reasonably worth.

Q. Might it not be true that the first purchaser bought it for a song and then sold it for its true value? I mean what is there that assisted you in that sale, that helped you in arriving— A. Taking the average of the sales.

Q. You average them up, do you? A. In a general way. I don't absolutely take the figures and average them, no.

Q. Well, your valuation here isn't based upon averaged sales, is it? A. No, I don't mean to say I take one piece of property at a dollar a foot and another one at 50 cents a foot and another at 75 cents a foot and just add them up and divide by three.

Q. But in arriving at the value of this property of the Lord Construction Company to the New York State Realty & Terminal Company you thought it was proper to add those two selling prices together and divide by two? A. I did not. I never do that.

Q. Well, how did you arrive at it? A. Because I know the sales of property adjoining, I know what they paid for this property.

Q. I thought you said a moment ago that you averaged those two sales up? A. I don't mean in averaging them up that I added them up and divided the result by the number of sales.

Q. Well, how do you average? A. By simply taking into consideration all the sales and all the conditions of the sales. For instance, I bought a piece of property once for $65,000 and sold it in thirty days for a hundred and ninety. Now, $65,000 wasn't a fair market price for the property. $190,000 was more nearly comparable to its market value because I afterwards resold it for the purchaser for three hundred and fifty.

Q. If that didn't demonstrate anything as to market value, those three sales, each time increasing in value, why did it in respect to this Lord Construction Company? A. The first sale was made at $115,000, the second sale was made at $65,000, the third sale was made at $190,000 and the fourth sale was made at three hundred and fifty.

Q. Well, I say do those sales indicate to your mind market value when you have a stream of sales like that? A. No, because—

Q. Well, then, can you average them up and get a market value? A. No. $65,000 wasn't the market value. It was too cheap for it.

Q. What was this Lord Construction Company property sold for per acre? A. Now, which piece do you refer to?

Mr. Stallman: Was it sold per acre?

Mr. Stout: Well, it was sold per front foot. I have got your sheet here is all.

Mr. Stallman: Well, don't ask the witness a misleading question, that is all.

Mr. Stout: Oh, well, you must be over-technical. If it was sold for so much per front foot it must be so much an acre.

Mr. Bain: No, what was it sold for *in toto* and the number of acres?

Mr. Stallman: It would be interesting to know whether Mr. Corbin knows whether the price was fixed for that property per front foot.

The Witness: I so understand that it was.

Q. Will you tell us what this property sold for? A. Well, I understand that one parcel sold for $600,000 and other one for $900,000.

Q. Well, did the Lord Construction Company sell two pieces of property? A. They did.

Q. And both to the New York State Realty & Terminal Company? A. They did.

Q. Do you know the area of each sale? A. Well, the first sale was what was recently known as the Twombly property; that is 400 feet front. It is on the Hudson River extending back from the old pierhead line, but not the revocable pierhead line which was still farther out, 1,056 feet to the New Jersey Shore Railroad right of way. They paid $250,000 for that and sold it for $600,000.

Q. Yes? A. The second parcel was sold—was 600 feet front, extending back to the New Jersey Shore Line and was the southerly portion of what is known as the Woodcliff tract which originally contained 2,165 feet frontage on the river.

Q. This property owned or sold by the Edgecliff Realty Company, a corporation, to the New York State Realty & Terminal Company, was that first sold by the Lord Construction Company to the Edgecliff? A. They were all the same people. They had three or four corporations.

Q. Was that what you mean by two sales? A. Yes.

Q. And that the Lord Construction Company are practically the same people as the Edgecliff Realty Corporation? A. They had three or four corporations. One was called the Lord Electric Company, the Lord Construction Company, the Edgecliff Realty Corporation, and so forth; I don't know.

Q. And they were both sold at about the same rate per front foot, were they? A. Yes.

Q. Yes. Don't you know that the first tract that you speak of sold at about $71,000 an acre? A. About that.

Q. And the second tract for about $69,000 per acre? A. That is correct.

Mr. Stallman: The rate of those sales was $1,500 a front foot. Won't you put that in the record, Mr. Stout?

Mr. Stout: Yes, sir; if you say so.

Q. Evidently those pieces of property must be in your opinion of greater value than this ferry tract of the West Shore? A. I don't consider that that was a fair market price for the property.

Q. Oh, you— A. I think they paid an excessive price for it.

Q. Do you know—

Mr. Wall: They have gone broke since, haven't they?

Mr. Stout: I don't know.

The President: That is not a novelty.

Mr. Stout: I think it is very important—for the record.

The President: Going broke?

Mr. Stout: No, for the record.

Mr. Bain: Well, you weren't speaking of the New York Realty & Improvement Company.

Mr. Wall: No, I am speaking of the Lord people.

Q. Are you familiar with the sale of Alex. J. Shamberg to the Luckenbach Terminal, Inc.? A. I am.

Q. And that sold for about $42,000 an acre? A. That sold for $40,983 per acre, which figured as a value for the riparian grant of $1,250,000, making a total, if you add it to the selling price, of $3,000,000. Mr. Shamberg himself got only $1,750,000 for the property—

Q. Out of the riparian right? A. He had a riparian grant on a hundred feet and he got $767 for it.

Q. And that land runs back to the Boulevard, doesn't it? A. Part of it; very irregular in shape.

Q. What is the dimension on the Boulevard? A. It has a frontage on the Boulevard of 1,197 feet.

The President: That is what property?

The Witness: Shamberg property—A. J. Shamberg to Luckenbach.

Q. That contains a lot of back land, quarry land, that can't be used in conjunction with the front land? A. Well, there is part of that land that has been quarried off where the stone was sold, and there is some

portion of it necessarily between what is known as the New Jersey Shore Line Railroad there and the top of the Palisade that could not be utilized.

Q. Mr. Corbin, what in your opinion is the value of the land between the shore road and the Boulevard worth per acre? A. I never made any valuation of that.

Q. Would you say that this selling price at forty some thousand dollars per acre was the fair market value of the property? A. I say that I think Mr. Shamberg got a full value for what he had. I think the price placed on the riparian rights by the Board of Commerce and Navigation of New Jersey was excessive.

Q. Well, how do you know, Mr. Corbin, that Mr. Shamberg got a fair price for what he sold if you don't know the value of this land per acre between the river road and the Boulevard? A. Well, that is not so important in itself, because the real value of the property was between the east side of the New Jersey Shore Line tracks and the pierhead line; that is the real value. The other did not amount to much.

Q. Shamberg didn't own that, did he? A. What?

Q. Shamberg didn't own that, did he? A. Own what?

Q. That portion, the land under water? A. Yes, he did.

Q. Did he sell it? Does the deed show that he sold the land under water? A. He sold all his right, title and interest in it subject to the claim of the state, his riparian grant.

Q. And then he paid so much to the state for the grant, didn't he? A. No, it has never been paid.

Q. It hasn't? A. No. I don't know whether they are ever going to pay that or not. The Board of Commerce and Navigation fixed that as a value, but it has never been paid so far as I know.

Q. Well, this particular piece of property which you say represents the great value, in your opinion what is its value? A. Well, I say I think he got a full value for what he had there.

Q. Well, all right, how much for that— A. $767 a front foot.

Q. Well, how do you divide that up, so much for back land and so much for shore land? A. No; I take the parcel as it is. It is very irregular in shape.

Q. Well, you put a uniform value on it, do you? A. No; I took the parcel as it was. It has 1,629 feet of frontage on the Hudson River.

Q. What I am trying to find out, Mr. Corbin— if you don't know the value of the back land how can you say that whole tract tied up with the front land is of a certain value? A. Because the portion of the back land there figure any way you want to unless you get an excessive value on it doesn't cut much figure with the sale of the tract.

Q. So you can figure the back land any way you want to in arriving at that value as the true value of the property? A. No, I think you could exclude the land west of the New Jersey Shore Line Railroad, if you want to, and this other land would be worth practically as much. This is not taken into consideration.

Q. Wouldn't that show a higher value per acre, because if you are going to disregard this back land and put your value upon the remainder, why wouldn't

that show a greater value per acre? A. Well, as illustrating that point—

Q. It would, wouldn't it? A. No. I want to tell you when I bought a piece over there next to it they threw in there a piece of land in the rear when the deed was being signed; so I didn't attach very much importance to it.

Q. Well, we will throw it in if we take it, but when we come to value it we will put our value upon the front land because that is the only part that is valuable. If you had less acreage it would show, would it not, a higher value per acre? A. True.

Q. Surely. You couldn't take the sales of a particular period and average them up, taking a number of sales and dividing by the number of sales to get an average value, that wouldn't help you any, would it? A. Not at all.

Q. Not at all. So I still would like to know just how that came out $40,000 an acre for this ferry tract? A. That is my opinion of its value.

Q. $40,000? A. Whatever it was.

Q. Yes, for the— A. $43,036 per acre.

Q. You don't know of any sales of substantially similar property that would help you? A. No particular piece just exactly like that.

Q. And the best that you can do with it is that we have got to accept it because you have made a study of this for fifteen or twenty years, and that is your opinion, that is the best you can do with it? A. Well, I am giving this as a result of my twenty-three years of experience in the sale of these properties.

Q. Yes? A. Now, the best—

Q. And you have only sold one piece of property, improved property, at Jersey City? A. That is all.

Q. Now, that is the way you get at your foot values. Now, the balance of this ferry tract you put a valuation on of $30,000? A. Yes.

Q. Didn't you? A. I did.

Q. How did you get at that, the same way? A. Yes, by simply—

Q. You didn't use sales of back land property to arrive at that? A. There is no sale there of property—

Q. Well, I am asking you whether you did consider any back— A. No; no, I just thought that was a fair value for it.

Q. Just a fair value? A. Yes.

Q. You think it should be separated, one 40 and the other 30— A. No, that isn't it at all. The other piece would average over $50,000 an acre.

Q. Which would? A. The first—

Q. Oh, yes, over fifty, make an average, I see; the thousand feet makes an average of fifty some thousand dollars? A. Yes.

Q. And the rear portion thirty thousand? A. Thirty thousand, and the total put together would be an average over the entire tract of $43,000.

Q. $43,000. Now, you say no sales of back land— A. I know of no sale of land in that vicinity that you could actually cite at that price. I know of sales lower down there, back of the Cunard property, bought for about $11,500 an acre.

Q. Do you consider the land at the rear a thousand feet back from the pier line as valuable as the land abutting on the pier? A. Oh, no.

Q. So you have got to put an average valuation on that thousand feet, have you not? A.

I didn't put any average valuation on that thousand feet; I put what I figured an exact valuation: that is, so far as my opinion—

Q. But if the land fronting or abutting on the pier line is more valuable than the land back, must you not put on an average valuation? A. No.

Q. You don't do that? A. No; no average.

Q. And you can't point out to us a piece of property substantially similar to this? A. Not exactly.

Q. Yes. Coming down to the sale of the International Elevator Company, you say that that was or was not a sale at market value at the time it was made? A. I said I thought it was sold for more than it was reasonably worth at that time.

Q. How do you arrive at that? A. Because I simply didn't think so from my knowledge of values. There is no exact science in valuing these properties, Mr. Stout. You can only take the basis of experience and the sales.

The President: That is significantly impressive.

Mr. Stallman: But we don't always admit it.

Q. You still use that sale then as a standard for sales or for the values of property in that locality? A. No, only in a general way, any more than I would use the sale of—any one sale of a piece of property as a standard of values. Sometimes people pay too much for property. Sometimes they get it for less than its market value. It is all a matter of opinion.

Q. What in your opinion was the fair market value of that property, speaking now of the International Elevating Company, on the date of the sale? A. Well, I told you at the time I made the sale I thought the property was worth about $50,000 less than they paid for it.

Q. And the purchaser you heard was offered $50,000 more than he paid for it? A. Well, I found out afterwards that there was no truth in that report. It wasn't a real offer at all.

Q. But you testified— A. I told you that I had heard that he had been, but I find since then—I have heard there was nothing in the report. They were merely asked if they would take that for it, and they said they might and might not. They didn't know.

Q. Do you know who made the offer? A. There was no offer made.

Q. I see. Did the same people who told you that such an offer was made afterward tell you it wasn't made? A. I am not sure about that. I simply heard that, and I afterwards inquired.

Q. Mr. Corbin, do you know what the value of the improvement of the International Elevating Company property is as distinguished from the bare land? A. Do I know the difference?

Q. I asked you the value. Read the question. (Question read.) A. Well, we didn't consider when I made that sale that the improvements had any value, very nominal value.

Q. In other words, that represents then just land value? A. Yes; it took in the halves of two piers, but they are old piers and—

Q. What would you say in respect to this ferry tract of the West Shore? Can you give us the value of the improvements on that property, as distinguished

from the land value? A. No; I wouldn't attempt to estimate the value—

Q. Well, could you do it? A. No.

Q. You couldn't do it? A. No.

Q. Then, how do you take the sale of an unimproved piece of property as any help in determining the value of an improved piece of property? A. Merely by a comparison.

Q. Well, if you don't know the value of the— A. You are speaking about the improvements; this property has ferry houses on it, and railroad tracks and waiting rooms.

Q. But I understand you can't separate the value of those improvements from the land value, the bare land value. How does the sale of any bare land help you in arriving at the value of this particular piece of property? A. I am only valuing this—I am only valuing this as land and land under water. I am not valuing the improvements.

Q. You are not—you don't consider the bulkhead or anything of that kind? A. Well, there is a sort of a bulkhead on it. It doesn't amount to a great deal.

Q. You don't consider that? In other words, your valuation is on the bare land? A. Land and land under water.

Q. Yes; I mean, but no improvements whatever? A. No.

Q. How about filling? A. Filling makes land; so if it is land it is filling; that is synonymous.

Mr. Wall: It is an awful thing to catch a lawyer on, but he caught him.

Mr. Stout: Well, you might think so.

Q. I thought that you experts termed improved land to be filled in land and unimproved land, as Mr. Bain, I think, has often referred to it, as nature gave it to us.

Mr. Bain: No; I never made any such reference. We have considered filling as an improvement. It is part of the land.

Mr. Wall: Whatever is added to the land belongs to the land.

Mr. Stout: You think that there isn't any base then of unimproved land, when you buy the land under water then fill it in, a starting base to work on.

Q. Well, we will go back to the Lord Construction Company sale, which was what kind of property?

Mr. Bain: Don't misunderstand me, Mr. Stout. It is only fair to say that in these matters we are questioning some very substantial items of assessment called "graduations." What I said before as to filling being a part of the land doesn't affect that claim when we get to it; bear that in mind.

Mr. Stout: I thought there was some reservation there.

Mr. Wall: For the very reason that we have given, however.

Mr. Bain: But that will be developed in due course.

Mr. Stout: All right. Subject to conditions subsequently.

Q. Now, Mr. Corbin, this Lord Construction property, that is improved or unimproved? A. The par-

cels that were sold to the New York State Realty & Terminal Company?

Q. Yes. A. Unimproved.

Q. Well, by unimproved there do you mean land under water, or do you mean developed land, without any buildings? A. Well, the bulk of it was land under water. There was some little upland on the shore road, but the bulk of it was land under water.

Q. The bulk of it was land under water? A. Yes.

Q. And you don't know what it would cost to put that land in the same condition as the West Shore property, this ferry tract, was on January 1, 1921? A. Those things could only be approximated. There is no way of telling exactly.

Q. Coming back to this International Elevator sale again. Do you know just what was sold? A. Do I know just what was sold? Yes.

Q. Yes. What was sold? A. I have got a copy of the deed here, do you want that?

Q. Well, a description of the property generally would be sufficient, Mr. Corbin. A. Well, I could give you the exact deed as it was made out and signed.

Q. What was sold? A. All that tract and parcel of land and premises situated in the City—

Q. No; I don't want that, Mr. Corbin. Can't you—

Mr. Wall: Let him give it.

Q. All right, go ahead. A. "All those eight certain lots of land situated in the first ward of Jersey City, in the County of Hudson and State of New Jersey,

which on a certain map entitled 'Map of valuable property in Jersey City,' belonging to 'The Associates of the Jersey Company' and others, and known as Lots No. 14, 15, 16, 17, 18, 19, 20 and 21, on block lettered C, and taken together are described as follows: Beginning at a point in the southerly line of Morris Street"—

Q. Just a minute. Is that a description of the lots? A. Yes.

Q. Well, what else? A. —"distance 225 feet"—

The President: What are you reading from?

The Witness: He asked me what was sold in this sale.

Mr. Stout: Yes; we want it on the record, because we want to use it later.

A. (Continuing.) "Beginning at a point at the southerly line of Morris Street distance 225 feet from the southeast corner of Hudson and Morris Streets, thence running southerly through the block and parcel with Hudson Street 204 feet, 6 inches to a point in the northerly line of Essex Street; thence easterly along the northerly line of Essex Street to a bulkhead line on the west side of the Hudson River as it now exists; thence northerly along said bulkhead to a point in the southerly line of Morris Street extended to said bulkhead; thence westerly along the southerly side of Morris Street extended to the place of beginning. Together with the northerly half of the wharf or pier built out into the river at the end of Essex Street, and to the southerly half of the wharf or pier built out into the river

at the end of Morris Street, and also all the right, title and interest which the seller has to the middle of the streets on each side of the property above described, and also all the right, title and interest that the seller has or may have to the lands under water in front of and adjoining said premises." Now, that is the description, and then it refers to a deed of record where they got it way back in 1868.

Mr. Wall: Well, you had better show the reference to that, because it shows that this pier was in existence in 1868.

The Witness (continuing): "Being the same premises conveyed to the party hereto of the first part by Josiah H. Gautier and wife by deed dated April 27, 1868, and recorded in the office of the Clerk of Hudson County, New Jersey, on the first day of May, 1868, in Book 167, page 635, and are hereby conveyed subject to the reservations and exceptions therein referred to. Also a clause in deed conveying the property subject to lease dated August 12, 1910, between the seller and the Mayer Ice Machine and Engineering Company, of premises upon the southerly side of Morris Street, from September 1, 1910, for one month, and from month to month thereafter. Said lease being terminable on thirty days' notice in writing. Also subject to a lease dated March 27, 1915, between the seller and Crymes Engineering Company, of the southerly half of the wharf or pier known as Morris Street pier and 70 feet of the waterway for seven years beginning April 1, 1915, said lease being terminable on giving six months' notice."

Q. In placing a value upon that piece of property, Mr. Corbin, you said you eliminated the piers, did you not? A. Well, I said we didn't give any very serious consideration to them, because they were old piers; they had some value, but just how much—

Q. Well, you practically eliminated those? A. —it is impossible to say.

Q. Now, do you know just what the grantee got under that deed by the grant of the state, the land under water? A. The riparian right?

Q. Yes, to the land under water. A. Yes, they got a right there that was granted them by the New Jersey State Legislature about fifty years before that by a special act to the Associates of the Jersey Company.

Q. Granted to the Associates of the Jersey Company? A. Yes.

Q. Well, what right did the International Elevator Company get?

Mr. Bain: Well, that is objected to on the ground first that the act speaks for itself, and in the second place the question calls for a conclusion.

Mr. Stout: What I am trying to find out is what this witness took into consideration in arriving at the fair market value of this property.

Mr. Wall: He assumed they got riparian rights?

Mr. Stout: He assumed that they got full riparian rights.

Mr. Wall: No, the riparian rights that were conveyed under the deed in question.

Mr. Stout: Whatever that may be.

Mr. Wall: Whatever they are?
Mr. Stout: Yes.

Q. Did you put a particular value on that right? A. I did not. It was all taken into consideration in the whole sale, the price of the property.

Q. Did you consider that grant of right to be of equal value as a grant by the state to the International Elevator Company or its predecessor in title? A. I didn't value the right apart from the property itself. I simply sold the whole property as it was. We took the opinion of the New Jersey Title Guaranty & Trust Company on it and one or two lawyers in New York, and we considered that they had full right to use the property and the land under water.

Q. An absolute right to use it? A. Yes.

Q. Now, then, we got to the Lackawanna yard. May I ask you this question first: Your valuations as to the other properties of the New York Central Railroad system here under consideration which you testified to this morning you arrived at your valuations using the same method as you did in respect to this particular tract known as the Ferry tract? A. Yes.

Q. Now, what valuation did you put upon the Delaware, Lackawanna & Western Railroad yard in Hoboken as of January 1, 1921? A. $6,447,738.

Mr. Stallman: That is the portion in Jersey City?
The Witness: No; he is speaking about this main yard, this 131 acres, aren't you?
Mr. Stout: In Hoboken.

Mr. Stallman: He asked you in Hoboken and you gave him the value you put on the property in Jersey City.

The Witness: Oh, I didn't understand him.

Mr. Stout: Does that make a difference?

Mr. Stallman: Yes, there is more in Jersey City than there is in Hoboken.

The Witness: That is a larger piece. Which one do you want now? This piece here, the 40-acre tract?

Q. The part in Hoboken? A. That is the 40-acre tract.

Q. The 40-acre tract. A. That is $2,155,477.

Q. That is about $50,000 an acre? A. Why, that is $53,795, average.

Q. Will you analyze that valuation? A. Well, I took the tract at—the average value of the tract to the south of it was $28,905 per acre and I added 10 per cent of that by reason of the intensive use made of it as a ferry property. I thought that was some additional value that it had and on account of the street frontage on Ferry Street.

Q. Didn't you take this piece of property and divide it into units as you did the property of the West Shore? A. Yes; I did; yes, and that was—

Q. And how deep did you go here for your shore front? A. I went back on this piece here about 1,600 feet altogether from the pier line.

Q. Any particular reason why you went back just 1,600 feet? A. Yes, because the distance from the exterior line for piers on this property to the solid fill line as established is about 1.035 feet, and I went

sixteen hundred feet back of the exterior line for piers on this particular piece because up to that point the great bulk of it is land under water.

Q. That is the reason why you went back 1,600 feet? A. Yes.

Q. And what value did you put on that? A. $2.200 a front foot.

Q. $2,200 a front foot? Do you know that in acreage, the valuation? A. Well, it figures out approximately $58,613 per acre.

Q. Between fifty-eight and fifty-nine thousand dollars an acre? A. Yes.

Q. Can you compare that property with the West Shore property? A. No, not very well.

Q. You can't? A. It is a different piece of property. Different size, different depth, greater distance from the—

Q. Could you make any comparison between those properties? A. No, not except the comparison as shown by the figures which I have put upon them.

Q. In other words, the figures that you give must determine the comparisons? A. Yes, sir.

Q. Then, you valued the remaining portion of this tract, the interior land, at how much per acre? A. $43,560.

Q. A dollar a square foot? A. A dollar a square foot.

Q. Did you use any sales of back land to arrive at this valuation of a dollar a square foot? A. No, except in a general way. I have sold some properties over there some years ago, from eighty-five cents to a dollar and a quarter a square foot.

Q. When was that? A. Oh, six or seven years ago.

Q. Where was it located? A. Well, it was near the Lackawanna yard, one piece of it, but that had a street frontage.

Q. Will you say it was substantially similar to the back lands here? A. No; it was—individually it was a better piece of property; it had a much greater frontage on the street in comparison with this tract.

Q. Then, that didn't help you very much in determining the value of— A. No, none.

Q. Didn't help you any? A. Except in a general way, that is all.

Q. So this again resides in the magic of your opinion?

Mr. Bain: Well, I object to the form of that question, the magic of his imagination; it seems to me that is going too far.

Mr. Stout: I said the magic of his opinion.

Mr. Bain: Well, the magic of his opinion.

Mr. Stout: Oh, well, we will take the word "magic" out.

Mr. Wall: Oh, let it go in.

Mr. Stout: Well, I would like to have something in; may not get very much, but I would like to have something in.

Q. There are no sales, then, of substantially similar property that you can point to in determining the value of this interior land of the Lackawanna yard? A. No; you can't get a piece of property exactly similar, because here is practically a hundred and

thirty-two-acre tract of land with only 1,191 feet of street frontage.

Q. In your opinion, Mr. Corbin, if a back land was purchased at its market value and added to this Lackawanna yard, would the fact that it is tied up to the Lackawanna yard increase its value? A. Why, I have taken that into consideration in valuing this property now.

Q. In other words, you think it would have a greater value if it was in railroad ownership than if it was in private ownership? A. I wouldn't say that. If you tried to sell this off in separate parcels you would have to cut the streets through it and you would lose a large part of the area of the property in cutting the streets through it.

Q. But used by the Lackawanna as a part of its yard, it would have a greater value than if it wasn't owned by the Lackawanna, in your opinion? A. Well, I wouldn't say that.

Q. It is pretty hard to get at a sale, is it not, of back land property that would be of any help to you? A. No, you can take the general average of sales, but, of course, you have to take into consideration that here you have got just one large piece of property with one street frontage except—

Q. But you didn't take any general average of sales of back land property? A. No, any more than I take the general average of sales of water front property. There is no such thing as the general average of sales of these properties. You can't do that.

Q. You made an appraisement of this particular piece of property, its value as of January 1, 1921, did you not? A. Yes, sir.

Q. Did you consider any sale of back land property in arriving at it? A. No particular sale, no.

Q. Do you mean by that that you didn't consider any sales of back land property? A. Yes; I considered a lot of them.

Q. You did. Let's have some of the sales which you considered. A. Well, I know the sales that have taken place all around there, but I only took them in a general way. There is a whole string of them here, there is fifty or seventy-five of them here, if you want them; probably make about thirty-five or forty pages in the record.

Q. All similar property? A. No; there is no other similar property there, of that size.

Q. Well, would this property be similar to the property in those sales, or any of them, if it wasn't in railroad use? A. It would only be similar to the extent that there is a certain amount of solid land there. There would be a great deal less street frontage on this parcel as compared with the smaller parcels. Here is 132 acres of land with only 1,191 feet of street frontage. Now, you apportion that off by the acre and you have got about nine feet of street frontage to an acre.

Q. Did you value this property as of January 1, 1921, considering the use to which it was then devoted or to some other use? A. No; I considered the use to which it was devoted at that time.

Q. If that is so, then what do you compare this property with in order to get that valuation? A. Compare it with other water front properties.

Q. And other railroad yards? A. Yes.

Q. The West Shore yard doesn't help you any, does it? A. Only in a general way, that is all.

Q. Only in a general way. And your valuation or valuations as to the properties of the Delaware, Lackawanna & Western Railroad Company located in Jersey City here under consideration were made up, your valuations were made up, in the same way as you made up your valuations as to a portion of the yard in Hoboken? A. Yes, sir.

Q. Using the same standards and opinions? A. Yes, sir.

Mr. Stallman: He testified he added ten per cent to the Hoboken portion.

The Witness: I did, yes, because of the ferry uses.

Q. How did you arrive at ten per cent? A. I did that because the property was irregular in shape and it had a frontage on the river of 634 feet, practically 634, and had a frontage on Henderson Street of only 62 feet, but it has a long frontage on Ferry Street.

Q. And that is the way you got at the ten per cent, is it? A. No, the—by reason of the area of the property compared with the frontage, and by reason of its intensive use for ferry purposes, and the added value of the Ferry Street frontage there.

Q. Do you know what property is worth for ferry purposes? A. No; I never ran a ferry.

Q. Well, how do you know, then, that it adds ten per cent? A. Except that I know that that is rather an intensive way to use a piece of property over there on the river.

Q. And to the extent of ten per cent? A. That is merely arbitrary, my opinion.

Q. Are any of your other opinions arbitrary? A. They are all opinions.

Q. Well, are they all arbitrary? A. Well, arbitrary to the extent that I put on them what I think is the fair valuation in my belief.

Mr. Bain: Intelligent judgment as distinguished from arbitrary opinion.

Mr. Stout: I move to strike that out. I don't know what that has got to do with it.

Q. The Erie Railroad, Long Dock property.

The President: There is a likelihood, Mr. Stout, of your concluding your cross-examination today, is there?

Mr. Stout: Why, I hope so, yes. I think so, yes. I think we can cut it off anywhere and it will be complete.

A. That is Block 16, Lot B1?

Q. That is it.

Mr. Bain: Can you take the part north of Pavonia Avenue first? That is Lot 17, A1?

Q. Well, let me ask this question: Do you put an average valuation on this property of the Long Dock, or do you separate it into— A. Well, yes; I separate it.

Mr. Bain: It is separated into separate parcels, Mr. Stout. The large parcel north of Pavonia Avenue is assessed, together with the two small parcels down on the river.

Q. Take the north section first. A. Block 16, Lot B1, I valued at $85,624, made up by valuing the first part of the property on the river at $2,000 a front foot, and the second portion of the property in the rear at a dollar twenty per square foot, which makes an average value of $56,628 per acre.

Mr. Bain: Just a moment, Mr. Corbin. I think you are speaking of the Elevating parcel. That is not under review now.

The Witness: Oh, isn't it?

Mr. Bain: What Mr. Stout referred to in the south parcel is known as the terminal tract, south of Pavonia Avenue.

The Witness: Oh, the other property. You mean Block 16, Lot B6, is that what you had reference to?

Mr. Bain: Yes.

The Witness: I valued that property at $1,075,533.

Q. And your units? A. The frontage at $2,000 a front foot.

Q. How deep— A. I mean two dollars a square foot, a total of 205,000 square feet at $2 made $410,000.

Mr. Bain: That is the frontage on Pavonia Avenue?

The Witness: Yes, sir.

A. (Continuing.) And the remainder was 11.849 acres at $47,916; that is a dollar ten a square foot. Then I added ten per cent to the value of that for the slip, on account of the proximity of the slip there.

Mr. Bain: That is the slip alongside the elevator?
The Witness: Yes.

A. (Continuing.) Made an average price on 16.35 acres, $64,986 per acre.

Q. Do you consider that all shore front property, or do you consider part of it back land? A. No, part of it is shore front, part of it back land, but it is a splendid piece of property on account of its long frontage there, the shape of the property and all.

Q. Do you think it was more valuable property than the Lackawanna property that you have just testified to? A. Well, it is to the extent that it has 1,627 feet of frontage on Pavonia Avenue and extends down to the river, and it is a well shaped piece of property. It isn't irregular at all, except in a very slight degree at the upper end. It is 217 feet front there.

Q. How wide is it along the bulkhead? A. 217 feet.

Q. You put a higher value on that than you do on the Lackawanna? A. Well, it shows, it is $64,986 per acre, yes.

Q. Would you compare this property with the property of the International Elevating Company? A. Oh, it is very difficult to make a comparison there.

Q. Well, will you say it was less valuable or more valuable? A. I wouldn't—

Mr. Bain: Pardon me, Mr. Corbin. I want to call Mr. Stout's attention to the fact that the land in front of the bulkhead leading from the front of this property is separately as-

sessed. That is the way the State Board assesses that property. We have had to have an appraisal made in accordance with the assessment.

Q. Well, how much of this then do you value, Mr. Corbin, as back land? A. I value the parcel just as it stands from the beginning of the bulkhead extending back 127 feet on Pavonia Avenue.

Q. Well, as back land or as shore front property? A. Well, I took into consideration the fact that it was on the water front and I added ten per cent extra for that.

Q. I see. In other words, you valued it then the same as you would back land and then added ten per cent by reason of the fact that— A. No; it wasn't back land. It is shore front.

Q. Then you didn't value it as shore front property then add ten per cent more because it was on the shore, did you? A No, but I took into consideration this enormous frontage on Pavonia Avenue for the number of acres.

Q. Well, now, let's get it clear. You didn't value this property as shore front property and then add ten per cent, did you? A. No.

Q. Well, then, did you value it as back land and then add ten per cent? A. No; I didn't. I valued—

Q. You just valued it as it is and added ten per cent? A. I valued it as it is, taking into consideration the fact that it has 217 feet on the Hudson River frontage, that it has 1,627 feet on Pavonia Avenue, that it is a nicely shaped property for development or use, and an intensive use, and, therefore, I put the price of $64,986 per acre on it.

Q. Do you think that a 216-foot frontage as applies to this property would put it in the category of shore front property? A. Oh, yes; 217.56 feet.

Q. But yet you wouldn't value it as shore front? A. Yes, it is shore front property; it is shore front property to that extent.

Mr. Bain: You valued it as such?

The Witness: I did.

Q. Did you give any additional value to this property because it fronts on Pavonia Avenue? A. I did. That is the reason why I put $2 a square foot on it; that would be $87,000 per acre.

Q. Have you any sales of substantially similar property which you used in arriving at the value of that land? A. No, because that is a different piece of property. I don't know of any property that is substantially the same as this.

Q. Hasn't the Lackawanna yard just as much frontage on Ferry Street? A. Yes, but the Lackawanna proposition is a very different thing. Yes, they have quite a large frontage on Ferry Street, but it is a very irregular shaped parcel. It is in the shape of a wedge.

Q. Are you considering the property of the Lackawanna taking into consideration the whole yard, or are you taking up the component parts that make up the yard when you speak about its being a wedge shape? A. I am taking the pieces as they are assessed.

Q. I see. But taking it as a whole it doesn't make a wedge, does it? A. No, because the larger piece,

the 131-acre tract, has only 1,191 feet of frontage on Henderson Street.

Q. And being all in one ownership, don't you think, Mr. Corbin, that you would consider that in arriving at the valuation of the separate pieces? A. I do; quite right.

Q. So that you would put a uniform valuation, you wouldn't consider the wedge part of it? A. No, it is separating them, but I do consider in giving each one of them the value that I have that they are in one ownership.

Q. So, the fact that it is in a wedge shape doesn't depreciate the value of the piece of property because it is in one ownership? A. No, that doesn't depreciate it, no.

Q. So then, if you look at the Lackawanna yard as a whole, taking together its component parts, and the fact that it has this large frontage on Ferry Street, doesn't that make the property equally as valuable as this property of the Long Dock Company? A. A square foot, you mean?

Q. Yes. A. No, not in my opinion.

Q. Why not? A. Because I will explain to you, here is a piece of property of 16 1/2 acres; it has a total river frontage and a street frontage of nearly 1,900 feet.

Q. How about the Lackawanna? A. Yes, but the Lackawanna is a very different proposition. If you take the river frontage and the street frontage you won't find it in the same proportion.

Q. I thought you had said in the early part of your cross-examination that the most intense value or the highest value was in the Lackawanna property? A. No, I didn't say the Lack-

awanna particularly, the Hamburg-American, the North German Lloyd, but I didn't specify the particular piece of property; I said that particular locality. If you cut out a piece of property of the same number of feet frontage on the river, the same depth between the pierhead line and the bulkhead line, and the same depth of solid fill line, and the same street frontage and all, why then you can make an exact comparison.

Q. Surely. A. But you can't do it unless you have those two identical parcels in size and shape and area and all.

Q. And if you don't have just those similarities, why then one piece of property helps you very little in arriving at the value of the other. A. No, I wouldn't say it helps you very little. That is a matter of degree.

Mr. Bain: What about the northerly piece, Mr. Stout?

Mr. Stout: You mean the southerly, don't you?

Mr. Bain: No, you have been talking about the southerly piece. Here is the northerly (indicating on map).

Mr. Stout: I thought we took up the northerly.

Mr. Bain: No, I don't want you to skip anything, that is all.

Q. Well, do you value the northerly piece of the Long Dock Company— A. Is that A-2?

Q. Yes, A-2, in the same way? A. I valued that piece of property at, part of it at $2,200 a front foot, and I valued a portion of it at $1.10 a square foot,

and I made the average valuation of the entire parcel of land and land under water $53,007 per acre.

Mr. Bain: That is the Erie Terminal yard north of Pavonia Avenue, Mr. Corbin?

The Witness: Yes.

Q. No sales of substantially similar property which you could use as a criterion here? A. No, because that is a very fine piece of property there. It is well shaped up. It has good frontage, good depth, street frontage.

Q. And you say it is a very fine piece of property, and in your opinion is it of greater or less value than the property of the International Elevating Company? A. Greater or less value? What do you mean, per foot or front foot, or what? You can't make that exact comparison.

Q. I understand; I mean per square foot or per front foot, or per acre, anyway you want to have it. A. The Elevating Company property has one-fifth of the frontage on this entire tract on the river, which is a very important element of value in these properties. It is a very small piece of property as compared with a tract here of nearly 68 acres.

Q. In other words, if you wanted to put these properties on the market, you were the broker, and you wanted to get the fair market value of these properties, which one would you put the higher value on per square foot? A. Well, that would be difficult to say. It is rather hard to compare them because here you have got a great big strip of property here back from the bulkhead line 2,182 feet.

Q. It ought not be difficult for you. A. As a general proposition the first element of value in a water front property is the frontage, naturally, and the

greater the frontage on the river the greater the value; as a general proposition. But you can't sit down and make a hard and fast rule for every property and go by it.

Q. I realize all that, but then just answer this question: I come to you and want you for me to put a valuation as an expert upon the International Elevating Company property and upon this property of the Long Dock Company, as an expert now, I am going to ask you which one you are going to put the higher value upon per square foot? A. Oh, I would say the International Elevating Company, because you have got a greater water frontage in proportion to the number of square feet of land and land under water.

Q. Could you tell me how much difference that would be? A. Oh, no.

Q. You couldn't? A. Oh, no, I think that is—

Q. So that if I came to you and asked you to put the market value upon the International Elevating Company property, could you do it? A. Why, I suppose I could. I could give you my opinion.

Q. Well, have you got an opinion now? A. No, I haven't. No, I haven't attempted to put any value on it lately.

Q. Is the property, is this International Elevating Company property more valuable or was it more valuable on January 1, 1921, than it was at the time of the sale in 1916? A. Yes, I think so.

Q. How much more valuable? A. Well, that I don't know. I think any of these properties along the Hudson River or all of them of any

size, or usable properties, have increased in value in that period of time.

Q. Can't you give us any light, so that the Board may be assisted in— A. I don't think—any opinion I could give you on that would be merely a guess. I have reflected the increased value in my opinion in all of these properties by putting most of them up.

Q. But the International Elevating Company property isn't here under review? A. No.

Q. And we might want to use it as a sort of a landmark.

Mr. Bain: That is just what the witness says he can't do.

A. I wouldn't put any value on that off-hand like that. It would be misleading. It wouldn't mean anything. But I do say as a fair proposition that having 260-odd feet of water front with a very small area of land and land under water as compared with a thousand and ten feet of water front and 68 acres of land, why it naturally follows that barring other things it would be more valuable per square foot. Here is a total acreage of 4.12 acres with one-fourth of the water frontage that is in this 68-acre tract.

Q. Mr. Corbin, do you know of any sales of shore front property during the past six years which evinced the fair market value of the property at the time of the sale?

Mr. Bain: Referring now to this particular property?

Mr. Stout: Yes.

A. In the last six years?

Q. Yes. A. On the Hudson River?

Q. Yes. A. Why, yes, I think the Woodcliff sale is a fair sale. And the nearest thing to it as a fair sale was the Jones Brothers sale, although I don't think the Jones Brothers really got what the property was really actually worth, but they had no need for the property and never expected to use it, and they were people of very large means, and they simply wanted to sell it and forget about it.

Q. Well, this Woodcliff sale, by whom was that purchased? A. The Lord Construction Company.

Q. And didn't the Lord—-you mean the sale of the Lord Construction Company was a fair sale? A. Yes.

Q. And didn't the Lord Construction Company sell that property subsequently, or a portion of it, at an increase? A. Yes, they sold 600 feet of it.

Q. About one-fifth? A. About that. No, it is about one-fourth of it; a little more than one-fourth.

Q. About one-fourth. What increase in price? A. Practically 50 per cent.

Q. Fifty per cent. You think the first sale was all right, and the second one was fifty per cent above its market value? A. I think the first sale was a fair sale.

Q. And the second one is about fifty per cent of its market value? A. Fifty per cent more.

Q. I mean fifty per cent more than its market value. And in view of the fact that the purchaser paid about the same price for the adjoining property? A. Paid less; paid less for the adjoining property.

Q. Not much less, was it? A. Oh, a good deal less; about a third less.

Q. What, the Twombly purchase? A. Yes, he paid $250,000 for the Twombly property; he paid about six hundred and some-odd dollars a foot and about $970 a foot for the Woodcliff.

Q. I thought we had the sales one 169 and the other 171 an acre? A. You are talking about the purchase by the Lord Construction Company, aren't you?

Q. No, I am talking about the purchase from the Lord Construction Company, not by? A. Oh, well, of course that was the New York State Realty & Terminal Company; they paid a good deal more.

Q. Yes. And they paid practically the same price for the adjoining property? A. They did.

Q. Which they got from the Edgecliff Realty Corporation? A. Yes.

Q. Are you familiar with the sale of the Lackawanna, of the Lehigh Valley rather, to the Standard Oil Company of property in Bayonne? A. Yes, I know they sold a piece of property down there.

Q. When was that sold, in 1920 or 1921? A. I think that was sold in 1920.

Q. Has the deed been delivered for it? A. That I don't know.

Q. How much per acre was the selling price? A. I had it somewhere; I can't just put my hands on it.

The President: You know, Mr. Corbin, the sale that Mr. Stout refers to, do you?

The Witness: I think I do. I had a memorandum of it here somewhere, but I have got so many of these they are a little hard to find off-hand sometimes. I can't seem to put my hand on it.

Q. Well, maybe we can put this on the record, that it consisted of about 144 acres at about $19,000 per acre.

Mr. Bain: There is a lot of explanation to that sale—a wartime sale, purchased by the Standard Oil Company for the purpose of a lubricating plant.

Mr. Stout: I object to that going in.

The President: Strike that out.

Mr. Bain: Well, I object to any statement of the sale unless all the information as to the sale is divulged.

Mr. Stout: Well, we will have Mr. Corbin answer.

The Witness: I have it here somewhere, but I don't seem to be able to put my hand on it. I thought I had it here.

The President: You would really require your notes to answer that question, would you, Mr. Corbin?

The Witness: Yes. I thought I had it here. I have got a whole list of them here, but I don't seem to be able to put my hand on it.

Q. You know the location of the property, do you, Mr. Corbin? A. Yes, it is down on the Communipaw flats, and next to the property that was formerly owned by the Packard Dredging Company.

Q. And was owned by the United Real Estate Company? A. That is my understanding, yes.

Q. That is the property there (indicating on map)? A. Yes. I had this property here for sale; all back in here.

Q. How does that property compare with the Leary tract that was sold to the Lehigh Valley Railroad?

Mr. Bain: That is known as the Morris & Cummins property?

Mr. Stout: Yes.

A. Well, I think this is probably the better piece of property, acre for acre, on account of the depth of water there and the nearness to deeper water.

Q. What is the depth of water there in front of this property (indicating)? A. Oh, some short distance out there, about 20 feet.

Q. What is the depth of water in front of the Leary tract? A. Five feet, six, seven—eight feet.

Q. This is the property that was sold by the Lehigh Valley Railroad to the Standard Oil, and this is the property here which the Lehigh Valley—

The President: Well, this last sale would be east of what in Bayonne, if produced?

Mr. Dunham: About 26th Street.

Mr. Bain: But remote from 26th Street. From the terminus of the—

The President: The so-called Hook section.

Mr. Bain: On the inner side of the Hook. I want to call attention to the fact that the property referred to as being sold by the United Real Estate Company has a deep water channel touching it at its southern corner.

Mr. Stout: I move to strike that out. If you want to proceed on evidence we will have evidence.

Mr. Bain: The map is in, and it shows on the map.

Mr. Stout: The map isn't in evidence for that.

Mr. Bain: The map is in evidence for everything it shows. I merely want to be fair. There is no use in disputing the fact.

Mr. Stout: Is it the fact?

Mr. Bain: Certainly.

Mr. Stout: Well, why don't you admit the other fact?

The President: Just a moment.

Mr. Bain: If you will admit all the facts about that sale we will put them in.

Mr. Stout: No, you want to have it in the record that there is a deep water channel. Why won't you also admit the number of acres and the price per acre?

Mr. Bain: If you will admit that the Standard Oil Company bought this property during the war for war purposes—

The President: I think, gentlemen, that you have marooned this witness.

Mr. Stout: I move to strike that out.

Mr. Bain: I refuse to admit part of the facts and not all of them.

Mr. Stout: You don't admit any facts. You want to make an offer.

The President: Continue with your cross-examination, Mr. Stout.

The Witness: That is that Andrews property.

Q. No, the John Andrews property, as I understand it, was next to that. Have you got it there? A. I don't seem to have it here. I thought I did have it.

Q. You evidently didn't consider that sale? A. Oh, I considered all of them, Mr. Stout, that I know anything about.

Q. Did you consider the sale of the New York Bay Railroad Company to the Lehigh Valley? A. Yes.

Q. You did? That sale was at $15,000 an acre for upland, wasn't it? A. About that, and five thousand for the land under water; not quite fifteen; $14,663.

Q. Do you consider the filled portion of the Pennsylvania yard under consideration here as valuable or less valuable as this back land which was sold? A. Well, I consider the Pennsylvania yard there as a going proposition. That is a very big piece of property with a large frontage, quite a large area of it is under water, dredged.

The President: Well, when you speak of the Pennsylvania yard—

The Witness: Greenville terminal.

The President: Oh.

The Witness: The Greenville terminal; this piece in here (indicating on map).

The President: Yes, at the foot of Gates Avenue.

Mr. Stout: Yes, that is it.

Q. Did you say it was as valuable or less valuable? A. Why, I think the Pennsylvania terminal per acre perhaps might be, taking into consideration

the land under water and all, might be less valuable as a whole.

Q. Well, didn't you value the so-called Greenville terminal as upland? A. Part of it.

Q. Is there some of it land under water? A. Yes, there is about 2,500 feet out from the bulkhead line that is under water.

Q. Well, what is your valuation on the upland of the Greenville yard of the Pennsylvania? A. $13,200 an acre.

Q. That is for upland? A. Yes.

Q. Now, then, I am asking you is that upland in your opinion as valuable or less valuable than the land which the New York Bay Railroad Company sold to the Lehigh Valley? A. Well, I should think it would be more valuable, taking it all together.

Q. The Greenville yards? A. Yes.

Q. What do you put on the land under water in front of the Greenville yard? A. $4,000 per acre.

Q. Do you put an average valuation upon the Greenville yard? A. About $10,381.

Q. An acre? A. For the whole thing. There is 343 acres.

Q. Is it all improved property? A. Yes.

Q. Would you compare that property with the property sold by the United Real Estate Company to the Standard Oil Company? A. You mean this 140-odd acre tract down there?

Q. Yes. A. Yes, you could make a comparison. This is a finished piece of property.

Q. Well, which in your opinion is the more valuable? A. Well, I would rather have the property sold by the Lehigh Valley to the Standard Oil.

Q. Why? A. It is difficult to keep the channel into the Pennsylvania property, about four or five thousand feet and then you get the water out there, the natural depth.

Q. How do you know that? A. Well, I furnished them with about 1,700,000 yards of fill in there and I know what the channel was there, and I know—

Q. Well, you didn't go into the channel, did you? A. Well, they certainly did.

Q. You— A. And we bid on the excavating in front of the property for a channel. It is clay there, very expensive to dredge.

Q. Do you mean to say that you have got a channel in front of this United Real Estate Company that won't fill up? A. No, I don't say it won't fill up, but I say from the pierhead line of this lower property, what you term the Standard Oil property, out to deep water it is a very much shorter distance than from the extreme pierhead line of the Pennsylvania property. You have got to go here about six thousand feet to get out to any depth of water, any natural depth of water. It is a dredged channel made by the Pennsylvania Railroad at great expense. This is a natural depth of water there (indicating on map).

Q. Do you consider that sale of the United Real Estate Company to the Standard Oil Company a sale at market value? A. I do not.

Q. There aren't any sales down here that you know of of market value? A. I think most of them were sold at very high prices, prices less than I could have bought some of them for, I know that; in some instances as much as fifty per cent.

Mr. Stout: I move to strike out what the witness could have purchased them for.

The Witness: Well, you asked me.

Mr. Stout: No, I didn't.

The President: No, I hardly think he did, Mr. Corbin.

Mr. Stout: No, I did not ask you that.

The President: That may be stricken out.

The Witness: Well, that is—

The President: Pardon my interruption. Mr. Corbin, you are familiar with the shore front in the New York Bay. I, now for my personal information, want to know what you regard as the most valuable piece of property on the New Jersey shore of the Newark Bay from the Central Railroad to the Kill van Kull.

Mr. Bain: New York Bay, you mean?

The President: Yes.

The Witness: You mean going south?

The President: Going south. I say the Central—no, I will say from Caven Point, going southerly to the Kill van Kull.

The Witness: Well, I would consider along this frontage here south of Ellis Island the most valuable property, down near the end of the Hook, because they are nearer the deep water, the natural depth of water at that point.

The President: Well, what would you say as to the property at the foot of Chapel or Linden Avenue?

The Witness: Well, I don't know where Linden Avenue is, really.

The President: Well, I haven't asked that question to confuse you, perhaps I ought to identify it.

The Witness: The point is this, that from the Greenville terminal south or south of Bedloe's Island going down to the Hook until you get down to the corner almost, from this point out, from the extreme pier line out to the natural depth of water it is anywhere from six to eight thousand feet. Now, when you get down farther here, it is very much nearer to the natural depth.

Mr. Bain: That is, when you get down to the Hook?

The Witness: Down to the Hook, as you go south

The President: Well, how close to the Hook does that natural depth develop?

The Witness: Well, you take here at one point just below what is known as the Andrews' property here there is 31 feet of water apparently within about eight or nine hundred feet.

The President: Well, I now have a mental photograph of a strip of very attractive ground from Caven Point going south to Staten Island or to the Kill van Kull, and I am just asking you where do you put the apex of value there on that territory.

The Witness: Right near the Hook, Constable Hook.

The President: All right. Pardon my interruption, Mr. Stout.

By Mr. Stout:

Q. Do you think that this property sold by the United Real Estate Company to the Standard Oil Company is more valuable or less valuable for a railroad terminal than the property of the Lehigh Valley at the foot of Chapel or Linden Avenue? A. Why, acre for acre I would prefer to have the other property.

Q. But for railroad terminal—

The President: Which other, Mr. Corbin?

The Witness: The property near the Hook, if I wanted to use vessels drawing any depth of water. I say that because I was asked to bid on dredging that channel as representing Hughes Brothers & Bangs at the time that the Pennsylvania built the Greenville terminal and I know that we figured that the cost of taking out that clay there was very, very expensive and we furnished them with seventeen or eighteen hundred thousand yards of fill on that property.

Q. You think the Lehigh Valley Railroad Company made a mistake by abandoning this property and going up here (indicating on map)?

Mr. Bain: Oh, I—

A. I wouldn't like to pass judgment on that.

Q. You wouldn't say, would you, Mr. Corbin, that this property of the United Real Estate Company to the Standard Oil in the condition it is today or was on January 1, 1921, had a greater value than some of the improved properties on the New York Bay, would you? A. You mean in the condition that it was in then?

Q. Yes. A. Well, it would depend, of course, upon the amount of improvement on the property that you might pick out, but as a general proposition, Mr. Stout, acre for acre, in the same condition, property down south near the Hook is very much more valuable in my opinion than as you go further north along here (indicating).

Q. Could you place a basic value upon land under water in this territory (indicating) of New York Bay? A. Well, there again that would as I say depend upon the frontage, the size of the property, the connections in the rear, and so forth.

Q. Well, could you compare the land of the Central Railroad Company, the second-class property, with this property of the United Real Estate Company? A. I would say that the other was the more valuable for the reasons that I have indicated, acre for acre.

Q. Hasn't this got a channel right in it? A. That is not a natural channel, that is a dredged channel, and you have to keep dredging it all the time.

Mr. Bain: I think, Mr. Stout, the most of that where you are pointing is third-class property.

Mr. Stout: Well, I am speaking—

Mr. Bain: Oh, yes, that one strip is second-class.

Q. What, in your opinion, would be the value of this tract of second-class railroad property of the Central Railroad if it were under water? A. If it were under water?

Q. Yes.

Mr. Bain: The whole thing?

Mr. Stout: Yes, I mean that particular tract per acre.

Q. You couldn't give any idea? A. Well, I don't know. I haven't valued it that way. I have valued it just simply as it is. This has an obstruction here in front of it, and this island (indicating).

Q. Well, could you do this, could you take this property of the United Real Estate Company and fill it in and give us the value? A. Well, I say that would depend again upon the size of the property and the shape of it.

Q. I know, I mean take this particular property; in other words, what would the United Real Estate Company's property sold to the Standard Oil be worth per acre if it were on January 1 last in the same condition as this second-class property of the Central Railroad Company was in on that date? A. Well, I think it would be worth more money in my opinion, per acre.

Q. Well, how much? Well, can you give us an idea what it would be worth an acre?

Mr. Bain: I object to that question.

A. No, I wouldn't like to say that off-hand.

Mr. Bain: It is based upon a hypothesis that doesn't exist.

Mr. Stout: I know, but he is an expert and we are trying to see whether we can get some similarity.

Mr. Bain: My objection goes to attempting to make a comparison between two pieces of property that are entirely dissimilar.

Mr. Stout: I thought that if you took that piece of property and improved it, why the witness ought to know what it would be worth. Just like taking a piece of land and putting a building on it, what is it worth with the building?

Mr. Stallman: That isn't the question. The question is what this land is worth in its present condition.

Mr. Stout: We are only using it to compare it with the price of improved property.

Q. You can't do that, Mr. Corbin? A. No, I couldn't do it off-hand.

Q. I suppose you could do it if you had plenty of time?

Mr. Bain: I should object to any attempt to do any such thing.

Q. How does it compare with the property at Fort Johnston which the Central Railroad Company abandoned?

Mr. Bain: I object on the ground that there is no proof that the Central Railroad Company ever abandoned any property at Fort Johnston.

Q. Well, we will call it the Ft. Johnston tract, this property here (indicating). A. As compared with what?

Q. Compared with this property of the United Real Estate Company? A. Per acre?

Q. Yes. A. The property on the Kill there is worth more.

Q. Property down here is worth more? A. Good deal more.

New Jersey State Library

Q. What value did you put on the Ft. Johnston property? A. I didn't value the Ft. Johnston property. I only valued part of the main stem there.

Mr. Bain: The spur.

Q. Well, what value— A. $20,000 an acre.

Q. Well, Mr. Corbin, as to all of these various pieces of property here under consideration, you used the same method of arriving at the valuation as you did in respect to the property of the West Shore and the Lackawanna? A. Yes; yes, in all the appraisals that I made.

Mr. Stout: That is all.

RE-DIRECT EXAMINATION by Mr. Wall:

Q. Mr. Corbin, with the use of these sales in arriving at your valuation, do you discard or do you consider sales that you have made? A. I don't discard any sale that has been made, but I do attempt to analyze the sale, find out all the conditions if I can, governing the sale, and I have to take into consideration all the elements which I think enter into the value of a water front.

Q. Is there such a thing as a unit sale that can be applied as a yardstick or measurement, or do you have to consider the separate factors— A. There is absolutely no unit of measurement or any standard value that you could apply. You simply have to take all of those elements into consideration.

By Mr. Stallman:

Q. Mr. Corbin, considering the water front in Hudson County, can you say whether or not there was a uniform or horizontal increase in land values generally as between January 1, 1920, and January 1, 1921? A. I don't think so.

Mr. Stout: I object to that question on the ground that it assumes that there was a horizontal increase. There has been no testimony—

Mr. Stallman: I asked him if there was. That is what I want to find out. He says no.

Mr. Stout: You are assuming a fact that is not in evidence.

Mr. Stallman: I am not assuming anything of the kind. I asked him whether or not between those dates there was any uniform or horizontal increase in land values.

Mr. Stout: I say unless it is based upon some fact or inference in the case that there has been a horizontal increase, it is an improper question. I object to the question.

The President: It is overruled.

Q. Now, there was some mention made, Mr. Corbin, with reference to your method of valuing lands by its immediate water front and lands lying back of the water front, which you referred to as interior land. In valuing the lands lying back of the immediate water front, did you value those in connection with water front or assuming that they were separated in ownership from the water front? A. I valued them in connection with the water front as being in one ownership.

Q. So that if there was any additional value reflected in these back lands by reason of their connection with the water front you took that into consideration and have expressed it in your valuations?

A. That was reflected in the appraisal of the entire property.

By Mr. Bain:

Q. Mr, Corbin, in valuing the main yard of the Long Dock Company north of Pavonia Avenue, I think you stated that you placed a certain sum per front foot? A. Yes.

Q. Upon the portion of the yard fronting on the water front? A. Yes.

Q. How far back did that water front portion run? A. On which particular property is that, Mr. Bain?

Q. That is the Long Dock Company property north of Pavonia Avenue known as Block 17, Lot A-2, I think? A. Block 17, Lot A-2? That is Block 16, Lot B-1.

Q. No, that is the Elevator parcel. I am speaking now of the main yard north of Pavonia Avenue, 17, A-2, second-class property? A. That is Block 17.

Q. Block 17? A. Yes, north of Pavonia Avenue. Why, I took an average depth of 1,689 feet from the pierhead line west.

Q. And in valuing the main terminal yard of the Central Railroad Company of New Jersey you also placed a unit value per front foot on the river, did you not? A. Yes, sir.

Q. And referring now to the parcel containing 97.063 acres, how far back did that rate extend? A. 1,200 feet.

Q. From the pierhead line? A. From the pierhead line; the pierhead line on the upper portion of that property is quite short; on the lower portion of it it is longer. It is an irregular shaped parcel. The lower part I valued back 600 feet from the solid fill line.

Q. Well, how far back—I think you said that you placed a rate of $1,200 a front foot? A. Yes, sir.

Q. Upon that parcel containing 97.063 acres, is that right? A. That is right.

Q. And how far back did that rate per front foot extend? A. On the southerly side where the distance between the bulkhead and pierhead line is longer it extended 1,400 feet from the pierhead line, and on the northerly side where the distance between the bulkhead and the pierhead line is shorter I made it run 1,200 feet.

Q. From the pierhead line? A. From the pierhead line.

Q. And referring to the next parcel owned by the Central Railroad Company of New Jersey to the south, containing 71.30 acres, did you value that parcel at some rate per front foot, and if so how far back did that rate apply? A. 1,400 feet.

Q. From the pierhead line? A. Yes.

Q. And in the case of the Tide Water Basin of the Morris Canal, my recollection is that you applied a certain rate per front foot; how far back did that rate run or that value run from the pierhead line? A. You are speaking now of 38-A and 45-A.

Q. Well, it is the so-called Tide Water Basin of the— A. Yes, it is 1,262 feet—no, 1,650 feet.

Q. From what, from the pierhead line? A. From the pierhead line.

Q. And a width of 823 feet, I think you said, on the pierhead line? A. Yes.

Q. Mr. Corbin, some reference was made to a sale by the United Real Estate Company to the Standard Oil Company of property on the inner side of Con-

stable Hook, in Bayonne. Do you recall another sale of property a very short distance to the north of the United Real Estate Company's property? A. Yes; the Packard Dredging Company to the Standard Oil Company.

Q. And do you remember the rate at which the Packard property was sold? A. No, I can give you that (referring to papers).

Mr. Stout: When was that sale?

The President: Just a moment.

A. $4,391 per acre.

Mr. Stout: And that was in 1916?
The Witness: 1916, yes.

Q. And how close is that to the United Real Estate Company property? A. Well, it is directly adjoining.

Mr. Stout: I desire to move for the production of the witness who was examined in chief yesterday before this Board on Monday.

The President: I think in justice to you, Mr. Stout, that that request ought to be complied with.

Mr. Bain: The man is expected to be here.

An adjournment was here taken until Monday, January 9, 1922, at ten-thirty A. M.

Robert Huntley, Cross

Third Day.

Trenton, N. J., Mon., Jan. 9, 1922.

Present:

Mr. Jess, chairman, Mr. Margerum, Dr. Barber.

Appearances as before noted.

Case resumed pursuant to adjournment.

ROBERT HUNTLEY resumes the stand.

Cross-examination by Mr. Stout:

Q. Mr. Huntley, what is the farthest piece of property north that you placed a valuation on here under consideration? A. The New York Central—the upper part of their yards.

Q. That is, the yard of the West Shore of New York Central System? A. The yard of the West Shore of the New York Central.

Q. And consisting of how many acres? A. Consisting of 114.281 acres, having about 4,234 feet of frontage. That commences at the Weehawken boundary line.

Q. Did you value the yard of the West Shore as one tract, or did you separate it into units? A. I considered it all property, the New York Central yard there, as one large tract. I divided it into two sections, the southerly section and the northerly section, and then the passenger section by the ferries and the main stem, I made it into divisions; that is the way they were divided for the purpose of appraisal there.

Q. For whose purpose? A. Why, I understood that was the way in which they were presented by the Board of Taxation. That is, the first parcel took in the ferry property proper and then the—that is

to say, the first parcel there started at Clifton Road and went up to the main stem.

Q. How is that property described? A. The property is described as land outside of main stem, southerly tract, bounded on the north by the main stem of the West Shore Railroad, on the east by exterior line for piers, on the south by the southerly line of the West Shore Railroad Company property and northerly line of lower highway, and on the west by the main stem of the New Jersey Railroad.

Q. You have made a physical examination of that property? A. Yes.

Q. When did you make it? A. Oh, on two or three occasions in the last six months.

Q. Had you examined the property previous to that? A. I have been in there in that section a good many times.

Q. But not for the purpose of making an examination to base a value on? A. Not for the purpose of a value on it, no. About a year ago I went down through all that property all the way down from Fort Lee ferry, walked along the river road and looked it all over.

Q. What character of property is it? A. It is railroad property. It is this property here. It is a level property that has been filled and bulkheaded; an improved property used for railroad purposes.

Q. It is then what you would call reclaimed property? A. Yes.

Q. Is there any property in that locality in the neighborhood that you would compare with this particular piece as to value? A. Well, I con-

sidered whatever sales I could find in that neighborhood.

Q. Well— A. I considered—

Q. Pardon me. Is that your answer? A. Yes.

Q. Well, will you name a sale of property which you consider substantially similar to this? A. Well, sale of improved property right at that particular point I did not find. When I got farther down the shore front down at Hoboken I found sales; the Manor—sales of the Manor Real estate, Ocean Steamship Company property, the American Warehouse and Trading Company's properties; and north of this property I had the Larkin to Swift sale, the Shamberg to Luckenbach, the Woodcliff to Lord, the Jones to Lord, and the Twombly to Lord.

Q. Those were unimproved properties, were they not? A. Those were unimproved properties.

Q. Could you compare this piece of property with the sale to the Cunard? A. The Cunard property, we have a record of the sale of the Cunard property, a sale of the King property adjoining the Cunard.

Q. What comparison would you make between this particular piece of property of the West Shore with the property sold to the Cunard people? A. I should say in a general way that this property has been improved, the Cunard property had some improvements on it which undoubtedly represented value to the sellers, and some of the—that improvement—may represent value to the Cunard people.

Q. Which in your opinion is the more valuable property? A. Why, it is my opinion that they are

pretty much of equal value as regards location. Possibly the Cunard property may have a little advantage of being farther south on the shore front.

Q. How about—which piece of property has the advantage as to trolley and ferries? A. The West Shore—this West Shore property has a trolley coming right down to the station.

Q. Well, if you would average them up would you think that considering the advantages and disadvantages of each piece of property that they would have about the same value? A. Why, something of similar value. The Cunard people as I say is a little farther down towards the more intensive development of Hoboken and Jersey City.

Q. But take the West Shore property in the situation in which you found it, and the Cunard property at the time of the sale, would you say that the West Shore property was at least of equal value? A. For the ordinary commercial propositions, yes. For the special purposes of a big steamship company, it is quite likely that the Cunard or that the property which the Cunard bought was more desirable, and they would pay a bigger price for it.

Q. You know that a larger price was paid for property above this than was paid for the Cunard property?

Mr. Bain: About what? Referring to what?

Q. About the West Shore tract. A. You are referring now to what property?

Q. Why, the property sold by the Lord Construction Company to the New York State Realty & Terminal Company. A. Yes.

Q. That was sold at a higher price per acre than the property to the Cunard? A. It was.

Q. Yes. Do you think that was more desirable than the Cunard by reason of location? A. No, I do not; not in the ordinary way, but for the special purpose for which the New York Central acquired it, it was more valuable.

Q. Do you know what the property is? A. Yes. The New York Central purchased that property because the International Mercantile Marine—the company were going to make an improvement right next door to them and by owning this property they thought that they could control the business of the International Mercantile Marine, and they paid a price for it on that account.

Q. Is that the only reason that you have been informed why they purchased it? A. Yes, that is the reason given to me by the purchaser.

Q. That is the only reason? A. They paid a very large price for it because they wanted that control of that water front and that business which would come in at that point.

Q. You think that the sale of property which they made below, or the lease rather, had nothing to do with the purchase of this property above? A. I was informed not.

Q. Do you value this property of the West Shore based upon its present use or upon its availability for some other use? A. I have based it both on its present use and its availability for any other use. I tried as best I could it being bare land, to consider that the land was vacant. It had certain portions of it bulkheaded and filled, and certain por-

tions of it that might have been dredged. I had those physical questions in my mind.

Q. What conclusion did you reach, that the property was devoted to its most intense use, or profitable use, or that it might be devoted to a more profitable use? A. Well, I don't consider that—most water front property if it didn't have railroads in there it would not have the same value as it would with railroad facilities. Now, the question of which can pay the most money, railroad or steamship lines, is a question which I couldn't decide. I considered that it was there, and that the people who would be the most likely to buy those properties would be the steamship people or railroad people. I don't—

Q. Well, can you answer my question as to whether in your opinion the property as you saw it was devoted to the most profitable or intense use within reasonable contemplation?

Mr. Wall: I submit that is a terrible question for a man to answer. That necessitates an expert knowledge of every industry that is known when the counsel asks him whether it is devoted to the most profitable use to which it can be devoted. I think the fair question, which would be probably what he is after would be to ask the witness what he regards the highest available use for a property in that vicinity in reasonable contemplation, whether steamship use or some other use.

Mr. Stout: All right. You may answer that question, if you think that is the way I ought to ask it.

A. My impression is that the land of that sort ought to be used for both—that is, the land down there between the bulkhead and the river—should be used for a combination, both steamship use and railroad use, the two enterprises more or less requiring one—

Q. And that is its present use, is it not, Mr. Huntley? A. Yes.

Q. Now, will you give us the units of value of this particular piece of property of the West Shore, this 14.715 acres? A. The which piece is that?

Q. I think you have included another piece in with it and made it 20 acres—20.795 acres. A. Yes, I included in there the 20.795 acres.

Q. Yes. Now, what are your units of value? A. I valued that at $45,000 per acre.

Q. Did you value it all as one tract? A. All as one tract.

Q. Did you put a greater valuation upon the part which fronts on the shore, what is known as the bulkhead? A. No, I did not. I just appraised the property just as it stood there, all that was included in that parcel.

Q. You put an average value on it? A. An average value of $45,000 per acre, spread over the entire parcel.

Q. You considered it all shore front property? A. Yes. I considered it as one large parcel in railroad use having shore property and upland, land under water and everything common to a short front property.

Q. You put a valuation upon the tract adjoining on the north at $40,000 an acre, did you not? A. Yes, sir.

Q. How do you arrive at that figure of $40,000 as compared with forty-five for the other part? A. It is farther away from your road, from the road which leads up on the Palisade, and more difficult to get at because of the tracks which have to be crossed.

Q. Then you in valuing the twenty odd acres did consider the accessibility to traffic, trolleys, ferries, and so forth? A. Oh, yes. Yes, I gave it the advantage of its location.

Q. And that is the way you distinguish between the forty and the $45,000 per acre? A. Yes, I thought that was worth a little more with its facilities there than the tract north of the main stem.

Q. Well, don't you consider the north part of this tract as valuable as the southern portion of it for the use to which it is put? A. No.

Q. Why not? A. Because I think that the fact of that southerly portion being used as it is for a passenger station and being—ferries, being used there by people who pay ferriage who don't come into the railroad yard on the trains of the railroad give it advantage, and I know that if a person was selecting that for some other little business, placing little shops along on the fringe there, they would pay a better rental at that point where the trolley passengers are discharged than they would at the point north where they are not discharged.

Q. Well, have you drawn an arbitrary line to determine that portion of this property which you think would have a greater value than the remaining portion? A. It having been drawn for me, by the Tax Department as I understand. I took it as a—

Q. That is an arbitrary line? A. That is the way it was divided, and I put that value on it.

Q. And if that line had been drawn at some other point in this yard, you might have put a higher valuation on more of this property if it had been included in the part which has the greater trolley and ferry advantages?

Mr. Bain: The question is objected on the ground that the question before the Board is the value of a particular parcel as assessed.

Mr. Wall: Furthermore I don't think it is fair to ask a witness what he would have done if some other condition of facts had existed. He takes actualities. Now, why is he called upon to say where he would have designed the compass to point if the magnetic pole were not in the north?

Mr. Stout: I think, may it please the Board, that if this witness is valuing this property upon arbitrary or imaginary lines drawn by this Board or by someone else, I think we have a right to probe his knowledge as to whether if the piece of property had been given to him in some other form or size he would have put the same value on it. It is all devoted to the same use in connection with the yard of the West Shore. I think it is proper cross-examination.

Mr. Jess: Well, it seems to me it depends somewhat upon the question of what is meant by "arbitrary" and "imaginary" lines. If these are purely imaginary lines, then I think the question is proper. I think, however, as

I understand it, they are not entirely imaginary lines, are they? They are lines of division for purposes of assessment, is that true or not?

Mr. Bain: The witness says that is the fact. He valued the parcels as they are assessed by the Board, and it seems to me that the State certainly has no power to question the Board's wisdom as to dividing lands for assessment.

Mr. Stout: If the land that was acquired by the Lehigh Valley for its terminal yard in Jersey City—they bought four or five different pieces of property and then assembled them together to develop this yard, and I have in mind the case, I think it is in the Supreme Court, Justice Parker writing the opinion, that where you take several parcels, bring them together and make an entirety out of it, assemble them in this form, why that imparts value to each and we ought to have the benefit of that. Now, I think in respect to that property, Jersey City has continued to assess each one as it was in the original owner. Now, I think when you come down to the real value of that property it is what it is worth in one common ownership, and we have got to get away from the idea of what a piece of property is worth disconnected from other pieces of property. This is all one common ownership.

Mr. Wall: That is all right, and if he thinks that, let him have his witness testify to it, but he is asking this witness how he made a certain valuation. He said, "I did it this way

with this line. I understood the line was properly there." If it isn't; if he is wrong; if it is a foolish line, it goes to the weight of his testimony, but that is the way he made it.

Mr. Jess: What is the question that is objected to?

Q. (Question read.)

Mr. Jess: That question is allowed.

A. I don't think so.

Q. You don't think so? A. No.

Q. So you think that the division of that yard as given to you is the proper division for the purpose of determining values?

Mr. Bain: I object to that question.

Mr. Jess: The objection is sustained.

Q. Do you consider the part of the northerly section of that yard which abuts the southerly section more valuable than the northern part?

Mr. Bain: If that question is intelligible, I must say I don't know what it means.

Mr. Stout: Read the question.

Q. (Question read.) The extreme northern part.

Mr. Wall: You are comparing north with north?

Mr. Stout: I am comparing the northern part of this north section with the south part of the northern section.

Mr. Bain: The question I take it is whether the extreme northern part is more valuable

than the extreme southern part of the northern section.

Mr. Stout: Put it that way. I think that would make it clearer.

Mr. Bain: Well, that is comparing two sections of one thing.

Mr. Jess: Well, I think, Mr. Stout, that the witness is entitled to have it perfectly understood as to what your question contemplates.

Mr. Stout: Well, strike out what I have asked and take this question.

Q. You have appraised this part of the West Shore Railroad dividing it into two tracts, one consisting of 20.795 acres, which is known as the southerly tract, and the other consisting of 59.720 acres, which is known as the northerly tract. Now, my question is, in your opinion is the northerly section or northerly part of the 59.720 acres, more valuable than the southerly part or portion of that tract?

Mr. Bain: Now, where is the dividing line between the northerly and southerly portions of the land in that question?

Mr. Jess: Yes, I think that is right.

Mr. Stout: All right, we will divide it.

Q. The part which is in Weehawken from that which is in West New York. A. I considered the entire parcel was worth—I considered that whole yard as one parcel because I valued it being used in that particular way, and I say every acre of that yard—there are two portions of it, one containing 59.720 acres and another part that contained 114.281 —I looked at that property and said that property

for the purposes for which it is being used and for the purposes for which it might be used, I would consider that that entire tract was worth $40,000 per acre.

Q. You didn't place, then, a higher value on the portion of this northerly tract which is located in West New York by reason of the fact that it had both trolley and ferry advantages, than the northern section— A. Only—

Q. —which is in Weehawken? A. Only for the purpose—only for the fact that the part which is south of the main stem which had been divided for taxing purposes, was next to a trolley station, I gave that extra value; for that property above—it is all used for railroad purposes, it is developed along the lines of one large unit, and I put a value over this entire large unit.

Q. You didn't consider that the portion of this northerly tract in West New York might have greater advantages than the portion which is located in Weehawken? A. I did not.

Q. What sales, if any, did you use in arriving at the value of the West Shore yard? A. I considered the sales of Larkin to Swift, the sale of Shamberg to Luckenbach, the sale of the Woodcliff Company to the Lord, the sale of Jones to Lord, the sale of Twombly to Lord, and I found in those sales an aggregate acreage of about 145.173 acres, total price of $5,087,000, and an average price per acre of $35,000.

Q. How much average was that? A. $35,000.

Q. And— A. And I considered the times of those sales, and I considered the—I have gathered what

information I could about them, and I made a deduction from those matters that the fair value of this property in question, the New York Central property, was $40,000 per acre.

Q. Do you consider those sales that you have mentioned were at market value? A. I think that they all except this sale of Shamberg to Luckenbach—I had some conversations regarding this sale and Mr. Shamberg told me that he had received a price very much higher than he figured was the fair market value of the property but there were certain reasons that the Luckenbach people wanted the property and were willing to pay the price for it. The other sales, the sales that were made by Jones and Twombly and the Woodcliff to the Lord Construction Company were such sales as the speculator paid.

Q. Well—

Mr. Bain: Just a minute. You asked him for his reason.

Mr. Stout: I thought that the question was whether he considered these sales which he mentioned as the market value. Now, the answer to that would be yes or no.

Mr. Wall: But when you ask him about them you know he can take up the specific sales. You can't make him answer for a whole flock of swallows that way.

Mr. Stout: I think that I am entitled to answer to my question. If he says no, then which ones in his opinion he thought were at market value.

Mr. Wall: I submit he can take up the specific sales. You can't ask a man a com-

prehensive question and insist upon a categorical answer when there may be a different answer to different parts of the question.

Mr. Jess: I think Mr. Stout is entitled to have that question answered yes or no.

Mr. Bain: Does that question refer to all of the sales?

Mr. Jess: Let the stenographer read it.

Q. (Question read.)

Mr. Bain: That is a comprehensive question including all the sales.

Mr. Wall: I object to that question.

Mr. Stout: Well, I won't insist upon it, just to save time. I think it is a proper question.

Q. Mr. Huntley, are any of these sales which you have referred to in your opinion—were any of them made at market value? A. All of them, I think, with the exception of the Shamberg sale.

Q. All of them? A. With the exception of the Shamberg sale.

Q. Yes. Did you give the sale to the Cunard people? A. No, I did not.

Q. Would you say that that sale was at market value? A. Why, I would say that it was higher than market value.

Q. In your opinion how much higher than market value? A. Well, somewhere about the time of that—

Q. Just—I think that I am entitled to have an answer to that question without an explanation.

Mr. Jess: Go ahead, Mr. Huntley, answer that question, if you please; in your opinion at how much higher was it—

A. I figured that that sale was something like a third higher than I would have appraised the property at.

Q. Do you mean by that that your figures would be about how much per acre? A. My figure would have been something in the neighborhood of about $45,000 per acre.

Q. Forty-five— A. Something like that.

Q. What did the property sell for? A. $63,000.

Q. And what class of property is this Cunard? A. What do you mean, physically?

Q. Yes. A. Well, it was a property that had a good depth from the shore front to the back land. There were some improvements on it, there was filling that had been done by the railroad company; it was property that was—it had railroad connections; it was property that could be developed so as to handle very large ships. It had a good, easy grade to truck out from. It was getting closer down into the intensive development of Hoboken and Jersey City. And there were—it was a property which undoubtedly suited the Cunard people for the development which they had in mind.

Q. When was that sale made, Mr. Huntley? A. In 1916.

Q. What, sale to the Cunard? A. Yes.

Mr. Jess: What was that date, Mr. Huntley?

The Witness: 1916.

Mr. Jess: You don't mean that.

Mr. Bain: You don't mean the Cunard sale. That is the Ocean Steamship.

The Witness: Well, I heard of this—I will tell you where I get that; I understood that the Cunard sale had been started along in 1916 through some option or something like that but it wasn't consummated until about four years later. If I am wrong about that, why I am willing to be corrected. I know that our office had something to do with the Delaware—with that property some three or four years back. We did not make any sale to the Cunard people.

Q. Do you know what the physical condition of the property was at the time of sale? A. Why, at the time of the sale the property was used there by the —as a sort of canal basin, there was a protective pier on it, there was some land filled in from the railroad out, bulkheaded, and there was a sort of a breakwater to make a protective basin for canal boats in there.

Q. Well, what was the physical condition at the time of the sale—the same as when you saw it two or three months ago? A. Oh, I think there had been some dismantling work done on there, but it was—as far as the land itself is concerned I think it was practically the same condition.

Q. In your opinion was the market value of that property of the West Shore and all the other properties which you testified in respect to on your direct-examination greater on January 1, 1921, than on January 1, 1920?

Mr. Bain: Just a moment. The question is objected to on the ground that it is incom-

petent, immaterial and irrelevant. It doesn't make any difference whether there was any increase or decrease in value between the two years.

Mr. Stout: In one year.

Mr. Bain: I say between the two years.

Mr. Stout: The Board has increased the value of this property a great deal over the assessment valuation for last year. I think it is a very pertinent question as to whether this property is more valuable in his opinion on January 1, 1921, than it was on January 1, 1920.

Mr. Bain: I submit that the question is what the value of the property was on January 1, 1921—not what it was on January 1, 1920.

Mr. Stout: I want to see whether he considers the difference in market and what he thinks about it.

Mr. Bain: I would like to know at this time whether it is the city's theory that all of this water front is to be marked up or down because there happens to be one or two sales somewhere along the water front. If that is the theory upon which the State is proceeding I would like to know it.

Mr. Stout: Well, you will have to wait as the evidence develops.

Mr. Bain: I think we are entitled to know the theory upon which a review proceeds. There are no pleadings in this matter. If it was a matter in which there were pleadings we would be apprised of it, but we are not, and I don't think the State has a right to take any

advantage of the lack of pleadings or documents that have been put in.

Mr. Jess: What date is this witness testifying—

Mr. Bain: January 1, 1921.

Mr. Stout: I assume he is. He said so on direct-examination.

Mr. Jess: The question is whether there has been in his opinion any increase between 1920 and 1921?

The Witness: I will answer it if you want me to.

Q. Yes. A. I don't know.

Q. You don't know. Do you know or recall any sale of shore front property between Weehawken and Bayonne including those municipalities that the last sale has indicated a lower price than any previous sale of the property? A. I don't know.

Q. Well, then, how do you know that water front property here under consideration has reached its peak of value and is now on the decline? A. Through the experiences of our office and the conversations that I have with our industrial people and with the various brokers and owners of property with whom I come in contact I find that the great idea of expansion and of high values for property for railroad and industrial purposes—steamship purposes—which prevailed in 1919 and 1920, have passed by. We have very little demand today for any water front properties, where in 1919 and 1920 we were continually being asked for water front properties. The entire industrial situation is such that we are not receiving

the inquiries for properties. Whenever we present a proposition to a possible purchaser to try to interest him we find that he says, "No, those things are coming down, we wouldn't pay prices any more." That is the atmosphere of the public.

Q. And you think that applies to the Cunard sale and to the sale of the Lord Construction Company and the sale of the Lehigh Valley to the Standard Oil down in Bayonne, and the sale of the New York Bay Railroad to the Lehigh Valley, and all of these sales that have been made that they show a drop in value? A. It is my opinion that today if you had those properties for sale you could not obtain the prices which were obtained at that time.

Q. When do you think that we reached the peak of value? A. In 1919, latter part, and the first of 1920.

Q. Do you know that a number of these sales that I have referred to were made subsequent to that time?

Mr. Bain: Which time, 1919 or 1920?

Mr. Stout: 1920.

A. Well, which sales do you—

Q. The sale of the New York Bay Railroad Company to the Lehigh Valley; do you know when that was made? A. I have some record of that sale but that is all part of the collection of a terminal tract, I suppose, but what I am getting at is I am thinking of these sales up here that you have been just asking me about on the Hudson River.

Q. Do you consider the sale of the Lehigh Valley to the Standard Oil Company in Bayonne the market value?

Mr. Bain: Referring now to which one?

Mr. Stout: There is only one sale that I know of of the Lehigh Valley to the Standard Oil.

A. Well, I knew of sales of the Lehigh Valley to the Standard Oil, there were various matters involved. I can only say this to you, that in conversation with some oil men down in that section they told me that the Standard Oil had thought that they wanted a piece of property, didn't care how much they paid for it, and bought a piece of property, and said the price really didn't make much difference to them. They wanted something and they paid for it. I couldn't tell you—

Q. You think that is the way the Standard Oil buys property, do you? A. Why, I have—I believe nearly every one of those big concerns have bought property that way. When they have had to have a certain piece of property they paid a price.

Q. Well, if that is the general rule then how do you arrive at the market value of property?

Mr. Wall: He hasn't said that was the general rule. He said that in certain instances all of those people get held up, just as you get held up at times in your life. He hasn't said it was the general rule.

Mr. Jess: Well, he made it pretty general. He said all those big companies he believed purchased that way.

The Witness: I say at times have bought property in that way, had to consider any sale that they could find. The Lehigh Valley sale—I am not able to find that it has actually been consummated, and the

New Jersey State Library

proposition there I gathered some information regarding it, I gathered that information that they paid a price which they would have the year before have considered very exorbitant and would not have considered. And I will say in explanation of my own statement there that there were certain sales made from the Central Railroad to the Tide Water Oil Company at $10,000 an acre. They wanted another little strip and they paid $35,000 an acre. One has to consider the necessities of those things and the special conditions under which sales may be made. I am trying to consider the entire water front as far as I know it, and the entire harbor. I have arrived at my valuations after a study of the entire situation and my observation of the course of values during the past—well, since 1914, at the beginning of the war practically, for the purpose of this appraisal; I have kept watch on water front values for a great many years previous to 1914, but we are all acquainted and it is a matter of common knowledge that—

Q. Well, is this a—

Mr. Wall: Don't interrupt him.

Mr. Stout: It is an answer to what question?

Mr. Bain: It is information that the Board ought to have regardless of the question.

Mr. Stout: What is the question?

Mr. Jess: You may ask another question.

Mr. Stout: I move to strike out that portion of the answer which is not responsive to the question.

Mr. Wall: Well, you have got to point it out.

Mr. Jess: I don't know just what part isn't responsive.

Q. Mr. Huntley, you say that the sale of the Lord Construction Company to the New York State Realty & Terminal Company was in your opinion a sale at market value? A. Of the what?

Q. New York Realty—of the Lord Construction Company to the New York State Realty & Terminal Company. A. Oh, no.

Mr. Bain: That is the $71,000 an acre sale?

Mr. Stout: Yes.

A. (Continuing.) That is a property which I say a special price was paid for it.

Q. I thought you said—my recollection is that they were all at market value, except the Shamberg sale.

Mr. Wall: He said they got the business of the International Mercantile Marine along with that sale and that is the reason they got it.

The Witness: The list of sales which I gave you did not include that. I only mentioned the Larkin, Shamberg, Woodcliff, Jones, Twombly.

Mr. Jess: That is right.

Q. Why do you think these sales were not at market value? A. Because the negotiations were carried on

by a speculator with a speculative proposition in his mind. When the Lord Construction Company started out on that work they were speculating as a purely speculative operation; they would get that little piece and they were going to make such a development as might appeal to them as something which was—
10 something which they might find a possible purchaser for. And a sale that has been made in that way, with the gathering together of parcels, is generally carried on with negotiations with the buyer trying to get it as cheap as he can and with the purchaser trying to get as high a price as he can, but the buyer being in that position where he has no special reason to pay a high price. And that is what happened in that case, according to my information.

20 Q. Well, now, Mr. Huntley, will you name the sales that you know of of shore front property from Weehawken to Bayonne that in your opinion were made at market value, and the date of the sale? A. The—

Mr. Jess: Mr. Stout, wouldn't it expedite it somewhat if you find out whether there are any other sales in addition to those he has already mentioned in that territory which have
30 been made at market price in his opinion?

Mr. Stout: Well, yes; if he will go down right along the line.

Mr. Jess: Yes. You have named certain sales, now, Mr. Huntley.

A. Well, I will go further down the line. Those sales that I have spoken of and—(referring to memoranda) I am just trying to get down the line beyond
40 that now. I think that the sale of the Ocean Steam-

ship Company to the Hudson Realty Company was probably such a sale.

Q. When was that sale made? A. Made in 1915. The Manor Real Estate Company I think was more or less a dicker that might have represented a person's necessities. The difference in value is $5,000 more than in a piece of property which I should think was worth $5,000 per acre more than the property which brought the lower price.

Q. What do you say of the sale of the American Coal—that was in 1915? A. 1915. The American Coal to the International Elevating Company. I have been informed that that wasn't a fair sale.

Q. Now, you say you have been informed; what do you think about it? A. Personally it seems to me that that sale was made at pretty nearly a market—a fair market price.

Q. That was in 1916, wasn't it? A. 1916. Now, when we get down below the—take the sales of the North German Lloyd and the Hamburg-American and the American Warehouse & Terminal Company—

Q. How old are they? A. Those are 1919—

Q. Just a minute; that was a sale which wasn't by private contract? A. No.

Q. Well, we will omit that. A. I was going to say that those matters would probably not come under the head of private contract. Now, as to the sales that were made in a gathering together of the Lehigh Valley terminal, practically all of those sales down in there they represented in my mind a situation where a company was working to get a terminal proposition, they have to have a lot of property and

they paid the best price they could get, and occasionally they were held up. I think in one case particularly, the Morris & Cummins property, they paid pretty big prices for because we had discussed that with the Morris & Cummins people some years before—some time ago.

Mr. Bain: Just go on. Wouldn't you like to have him answer?

Mr. Stout: Well, I think I am giving him a lot of leeway.

The Witness: I am trying not to take advantage of it.

Mr. Stout: Oh, no.

Mr. Bain: You can proceed with that.

A. I think that they paid more money for that property for their particular use than would have been paid by any other industry that I can think of.

Q. But you think it was worth that much to them?

A. Well—

Mr. Wall: I submit that isn't the test.

Mr. Bain: It calls for a conclusion anyway.

Mr. Jess: Do you object?

Mr. Wall: Yes.

Mr. Jess: The objection is sustained.

Mr. Stout: Well, I think a witness who is permitted to say what it is worth to somebody else ought also be permitted to say as to what it would be worth to the person who buys it.

Mr. Wall: In one case he is testifying as to market and the other as to—

Mr. Stout: I thought he said it wasn't worth as much to somebody else.

Mr. Wall: No other industry that he can think of would pay such a price. In other words it was a necessitous case.

Q. Would you say that the average price paid by the Lehigh Valley was indicative of market value at the time of the purchase? A. It is my opinion that the average value there would be higher than the ordinary individual would pay for property of that kind.

Mr. Bain: You said value, you meant the average price, didn't you?

The Witness: Average price, yes, was higher.

Q. You then consider the average price is less—I mean greater than the market value at the time of the sale? A. Yes, I do.

Q. Do you know of any desirable use within reasonable contemplation other than what the Lehigh Valley is going to use it for? A. Well, it is a difficult piece of property to improve for ordinary water front purposes. It has a fringe of upland, a very long reach of shallow water before you come to deep water, and it wasn't property which would appeal to the ordinary steamship company or dry dock company or other ship building company who require deep water and a fair amount of upland.

Q. In other words, in your opinion, there is very little competition when it comes to getting purchasers for that particular class of property? A. I think there

would not be a great deal of competition for it. It presented a great many difficulties in development for the ordinary manufacturer or steamship company.

Q. And therefore in your opinion it had a very limited market? A. I think the market was much more limited than property which fronted on deep water and had easy access to real deep water.

Q. And do you think that property generally speaking which has a limited market will bring a higher value than property which has a more extensive market and where there is competition? A. Oh, I should say that property where there was an extensive market naturally would bring higher prices.

Q. And where there is competition generally you get better prices, don't you? A. I think you do.

Q. You don't know anything about these sales that you have talked about as to being at greater than market value as to the consideration in the minds of the parties other than what someone has told you about it? A. Well, the only sale which I have any touch at all of these properties mentioned was the sale of Larkin to Swift, and I can speak of our office knowledge in there but the others that would only be from conversations.

Q. Conversations with whom? A. The officers of the contracting parties in one case, in the matter of the Woodcliff—of the Lord Construction Company, conversations which I had with the broker who made the sale and with Col. Waite, of the Lord Construction Company. In the matter of the sale of Shamberg to Luckenbach, talks that I had with Mr. Shamberg.

Q. That he was getting more than the value of the property? A. Absolutely.

Q. Was he in the business of selling this class of property?

Mr. Wall: He is a cattle man.

A. He is a cattleman.

Q. What did he know about the value of the property? A. Well, he had had it for a great many years, and he thought he was getting a good price for it. He had been dickering on it for a great many years, he told me. I know of my own knowledge that we had approached him with a number of propositions in years gone by and he talked with all the people in our industrial department at different times.

Q. What is your definition of market value, Mr. Huntley? A. What a willing buyer and a willing seller may agree upon.

Q. What a willing seller and a willing buyer may agree— A. May agree upon, where there is no special forced conditions in any way.

Q. Forced conditions? A. Yes.

Q. What do you define a forced condition to be? A. Well, I would consider that a railroad company, like the New York Central, attempting to acquire the business of an adjoining competitor was more or less forced to pay a price which an ordinary outsider wouldn't pay. I would consider if a steamship company or a railroad company wanted to acquire a pier of their own, capable of being developed in a certain way, they would be forced to pay the price if the supply of that kind of property was limited. If a buyer is in the market to get something for a certain

business use and he has a fair amount of—a fair number of locations offered to him, and he finally decides on one of those as combining the necessary qualities which he wishes, and the right price, that he and the seller have arrived at a fair market sale. That is the idea of things.

Q. Based upon your knowledge you consider all purchases by railroad companies when they are adding to their then existing holdings at a value in excess of market value, don't you? A. No, I don't, because—

Q. Well, then, can you name an acquisition for a railroad that was at market value? A. The only—

Q. I mean within the last ten or fifteen years? A. Well, I will go back to the time when they acquired land for the Pennsylvania terminal over in New York City and—

Q. Well— A. Wait a minute.

Mr. Wall: Why don't you let him finish?

Mr. Stout: We are not talking about New York.

Mr. Wall: You asked him for a name.

Mr. Stout: You know we are talking about Jersey. We want to keep out of New York. It is a bad place to be in in a tax case.

Mr. Wall: I know, but he is answering your question and you shut him off in the middle. I submit he has a right to answer.

Mr. Stout: I will ask him another question. We don't want to get over in New York.

The Witness: Well, I will answer in New Jersey.

Q. All right, in Hudson County? A. Well, I will take the matter of acquiring back lands for the D., L. & W. R. R. I have been given a list of sales there and shown a large list of sales comprising some sixty or seventy sales by the purchaser, the railroad company; simply acquiring the property for its use at some time, don't need it now, and for which I think they are paying a fair market value.

Q. Will you give us those sales? That is very interesting? A. Well, I have got some of them and I believe that the rest of them were in the—

Mr. Stallman: Well, I am going to put them all in.

The Witness: I understood they were all in.

Q. Well, Mr. Huntley, before you look at them, that property—

Mr. Wall: Oh, no; let's have those sales.

Mr. Stout: Oh, they are going to go in.

Mr. Wall: But you can't nibble at them and not like the taste, you know.

Mr. Stout: I like the taste but I want to know what kind of fruit he is going to serve, whether lemons or oranges.

Mr. Wall: I know, but just as soon as you get a lemon you cut the witness off.

Mr. Jess: Go ahead. What is the question, Mr. Stout?

Mr. Stout: The question is, as I want to

modify it, as to whether he knows, the witness knows, of any property in Jersey City or in Hudson County substantially similar to property under review which has been sold at market value.

Mr. Bain: Referring to what property under review? There is half a dozen different kinds of property.

Mr. Stout: Any property.

Mr. Stallman: I want to correct the statement of counsel. His question to Mr. Huntley was, do you know of any railroad company having purchased any property to add to their present holdings which they acquired at what he considers market value. Mr. Huntley started in to give him a list of sixty or seventy sales of property which the Lackawanna has acquired and he shut him off because he didn't want it.

Mr. Wall: Because Mr. Dunham gave him the tip.

Mr. Stout: Oh, you understand Mr. Dunham has got to give me the tip.

Mr. Wall: Well, he ought to testify. He asks the witness a question and if he sees something coming he doesn't like, then he wants to shut him off. Now in the interest of truth and accuracy we would like to have it go in.

Mr. Jess: Well, counsel has a great deal of latitude on cross-examination.

Mr. Stout: Oh, let it go in.

Q. Are you familiar with the sales that Mr. Stallman is going to offer in evidence? A. I saw a list of those sales. I looked at a good many of the properties.

Q. And they are all back land? A. Yes, back lands.

Q. In your opinion— A. Back of the railroad yards as they exist at present.

Q. In your opinion those sales were made at market value? A. I believe they were.

Mr. Wall: Well, he hasn't identified them yet.

Mr. Bain: There may be a number of sales in Mr. Stallman's list that were not made at market value.

Mr. Wall: Which sales do you have reference to, Mr. Huntley?

Mr. Jess: Well, that is a pretty broad question, too, to put up to the witness. He has been referred to this schedule that Mr. Stallman is going to introduce. I think that is the question.

Mr. Wall: Do you mean to say it is this schedule, Mr. Stout (indicating paper)?

Mr. Stout: No.

Mr. Wall: Well, here is a schedule that nobody knows anything about.

Mr. Stout: Mr. Stallman does.

Mr. Wall: They are trying to save time by referring to some schedule that Mr. Stallman has said he was going to put in and we don't know whether the witness refers to the schedule. This is like the—

Mr. Jess: Now, gentlemen, I do think this, that if you wish the answer counsel have a right to have a complete answer to the question that was asked and whatever that may bring out that is responsive to the question

and if that is what you are squabbling about we will get back to that question and let the witness answer.

(Question read as follows):

"Q. Well, then, can you name an acquisition by a railroad that was at market value. I mean within the last ten or fifteen years?" A. And I said that when the Pennsylvania Railroad was acquiring land in New York City for its railroad station and—

Q. Just a minute.

Mr. Jess: Just a minute. The answer to that is yes or no.

Q. Yes? A. The answer is yes.

Q. Do you know of any in Hudson County? A. I have been shown a list of sales of properties which the Delaware, Lackawanna & Western Railroad have —of properties which they have acquired. I have been shown the purchase prices and the dates of the purchase, and I looked over a large number of those properties, and those properties I believe were purchased at a fair market price.

Q. What do you know about the market value of back land in Jersey City? A. Why, I have occasion to go out and appraise that sort of property and I gather information about it in the ordinary ways.

Q. You never made a sale of land in Jersey City in this locality? A. I don't remember making a sale up here. I have made sales in Jersey City, but—

Q. In that locality? A. We are speaking now of what—the D., L. & W. Railroad locality or the—

Q. The locality that you referred to? A. I don't

think that I have a record of a sale made by our office and I know that I personally did not make a sale right in that location.

Q. Then all you know about the market value of these pieces of property is what somebody has told you about them? A. No, I had—in these particular pieces that were purchased by the D., L. & W.?

Q. Yes? A. I wasn't a broker in them, no; I could only take the information given to me by the purchaser.

Mr. Stout: Well, I submit, may it please the Board, that that isn't proper intelligence to qualify the witness as to market value.

Mr. Wall: That is practically the same as a hypothetical question, may it please the Board. He says, "A man told me this property sold for so much. Assuming that that is true, in my judgment that is a fair market value." He isn't trying to establish the fact from personal knowledge of the thing, that he knows that the consideration was so much; he is assuming that, and if it is wrong it is easy enough to point it out.

Mr. Stout: That isn't what I am directing my objection to. My objection is directed to the fact that he is not conversant with the market values in that locality so that if he is told what a certain piece of property has been sold for he can't use his yardstick because he hasn't got any yardstick.

Mr. Stallman: Well, we are willing that Mr. Stout may show that the market value is even lower than what we paid.

Mr. Stout: Well, that doesn't help any. It is a question whether Mr. Huntley is qual-

ified to testify as to the market value of back lands. Now, as I take it, he has been given a schedule of sales and he has been told what the selling price was on those pieces of property, but he has not shown that he has sold any property in the locality where these particular pieces of property were located, nor has he made a study of sales of other property in that locality so he is in a position to determine the market value of the particular pieces of property in question.

Mr. Jess: Well, I think, Mr. Stout, that all goes to the weight of his testimony.

Mr. Stout: Well, doesn't he have to qualify?

Mr. Jess: Well, I thought he had qualified. And I want to say now that if we are to limit expert testimony to witnesses who have made the sales that we are very likely to materially shorten this case.

Mr. Stout: Oh, no, but, Mr. Jess, this witness was—

Mr. Jess: I don't know, Mr. Stout, of any other way, except a man sells property, buys and actually sells it, or acts as broker, or gets information in the course of his business, that would qualify him—I don't know how else he is going to get information.

Mr. Stout: Well, I thought a witness might qualify either by making sales or making a study, even if he had never made any sales. Now, then, in order to make a study he must know the property of a certain locality or a certain neighborhood.

Mr. Jess: Yes.

Mr. Stout: He must study the sales of the pieces of property made there in order to be in a position to compare that piece of property which he has studied—some of those pieces of property which he has studied, with a particular piece of property. Now, it is in respect to the expert who has gained his knowledge by study rather than by sales that Mr. Huntley comes here in respect to the back land, but Mr. Huntley has not shown that he has made a study of the sales of other property in this locality so that he is in a position to judge as to the value of a particular piece of property. He was qualified, as I understand it, as an expert on shore front property, and not upon back land.

Mr. Jess: Yes. Well, I understand that there was some question as to his knowledge of back land and that he had qualified. I am assuming all the time that he had qualified as an expert. If he hasn't qualified as an expert on back land, then I think the objection is certainly well founded, being based, his testimony, entirely upon what somebody told him as to prices without special knowledge.

Mr. Bain: The difficulty with Mr. Stout's position is that he asks the witness to express an opinion and objects because he does it.

Mr. Jess: Oh, he may test the soundness of his opinion, of course.

Mr. Bain: After he asks for an opinion and gets it, he certainly can't ask that the opinion be stricken out. He may say that

the opinion isn't worth much, but it seems to me that having sought the testimony he can't ask that it be stricken from the record.

Mr. Stallman: This is not cross-examination. We didn't bring out these sales on direct testimony. Mr. Stout has fished for it and got it and now he wants to strike it out because he doesn't like it. I submit that isn't the way to try a case.

Mr. Stout: I say that when it is apparent to this Board or tribunal that the witness is testifying to something which he isn't qualified by experience or study to testify to, why his testimony then becomes incompetent. Now, I asked him for sales of property which in his opinion were made at market value. Now, then, when we come to analyze his knowledge, it is apparent that he has not shown that source of knowledge which qualifies him to speak as he does speak.

Mr. Wall: Well, why is it necessary, may it please the Board, to waste any time on this thing, because if you find on your examination of the record that he hasn't qualified as to expert knowledge on back lands—

Mr. Jess: That is our view entirely, Mr. Wall.

Mr. Wall: —you are going to discard it?

Mr. Jess: Well, that is our view of it entirely. That is correct.

Mr. Bain: I would like to know as a matter of information for the future whether or

not counsel is to be allowed to ask questions along certain lines and then strike out the answers.

Mr. Jess: Well, I think that we will deal with that, Mr. Bain, if we come to it again, very decisively.

Mr. Bain: That is contrary to the rule of procedure, if I understand or know anything about the rule of procedure.

Q. Mr. Huntley, what is the source of your knowledge as to the valuation of a tract of the West Shore or a parcel of the West Shore adjoining the "Y," consisting of .370 acres, which you have testified to on direct-examination, valuing it at $2,500 per acre? A. That is my opinion of the value of such property. I don't know that I have a sale of a piece of property that is in just that similar location and the same character of lands—separated, of course, from other holdings.

Q. You didn't base it upon the sale of any other property? A. Similar to that, no.

Q. That is just your opinion without any basic facts then? A. Without any sales of similar property to afford me any guidance.

Q. Is that so in respect to all of your $2,500 valuations in this tract of the West Shore? A. Yes.

Q. Now, then, in respect to the $5,000 valuations; you have two parcels in this West Shore tract which you value—three, rather—at $5,000 an acre. What is the source of your knowledge there? A. Same thing, just an arbitrary setting of the value.

Q. You have valued one piece of 16,931 acres at $25,000 an acre. Did you compare that with any other property to arrive at that value?

Mr. Wall: What parcel is that?

Mr. Stout: Main stem.

Mr. Wall: Where?

Mr. Dunham: I think it is New Jersey Junction main stem.

Mr. Wall: Can't you give us the lot and block?

The Witness: That ran on Park Avenue way up to the Town of West New York.

A. No sale of property would be just similar to that. It appeared to me that that was what that was worth for the purpose for which it was used.

Q. Mr. Huntley, if in your opinion the Cunard property was only worth $45,000 per acre, how do you arrive at a valuation of $40,000 per acre for the greater part of this West Shore yard? A. Well, that is my opinion, the location of the properties—

Q. You think that the Cunard property is worth $5,000 more an acre?

Mr. Wall: He began to explain it and you cut him off with another question. You didn't mean to but you did it.

(Question read.)

A. I considered all the sales that I could find along the water front and I arrived at a conclusion that the land in the West Shore yard north of the main stem was worth $45,000 an acre over each and every acre of it.

Q. You don't know of any sale of improved property similar to this which has sold for $45,000 an acre, or $40,000 an acre? A. No, I have got a

change in locations. We have sales, of course, of the Twombly property, and have some sales of Woodcliff property—

Q. That is all unimproved property? A. Some of this property had some small improvements on it.

Q. But I am talking— A. But what we might term improved property such as the railroad yards, no.

Q. You don't know— A. I don't know of a sale that has been made there along that shore of just similarly improved property—what I mean is improved property, I would say comparably improved with this, that was made at $40,000.

Q. And you don't know of a sale of any shore front property in this locality which has sold as low as $40,000 an acre? A. Oh, yes, there is land in this general location that has sold for less than $40,000 per acre. I have explained to you that there was an area equal to the area of this yard that sold at $35,000 an acre, taking the entire average of it.

Q. Improved? A. You didn't say improved, you asked me about—

Q. Yes, I did? A. Read the question and see if I am correct.

(Question read.)

A. I don't see anything about improved there.

Q. All right, put the word "improved" in it. You are right? A. I have just answered you before that I don't know of such improved property that has sold at $40,000 an acre.

Q. I am not asking you about such improved property. I want you to state whether you know of any improved shore front property in this locality which

has sold as low as $40,000 an acre? A. And I have told you already that there were some improvements on the Cunard, there were some improvements on the property up above, the Shamberg had a little pier on it, the Larkin had a little pier on it, there was an old pier on the Woodcliff, there was an edge of shore front that had been improved a bit, but I am simply saying that they were not improved in the same general manner as this property, which I believe is a perfectly correct statement.

Q. Then if you don't know of any property which has a similar development to this property which sold as low as $40,000 an acre, how do you reach that figure of $40,000? A. Through my experience in examining and appraising water front properties, keeping track of them, conversations with buyers and with owners and with brokers, the keeping of memorandum on them; we have an active office; and meeting people, getting expressions of opinion; we know what we can sell and what we can't sell generally.

Q. That is your best answer to that, is it? A. Yes, my experience.

Q. Your experience? A. In studying water front properties over a great many years.

Q. Mr. Huntley, I will take up the Lackawanna. You divide this property of the Lackawanna into units? A. No, just took it as—according to divisions on the tax map.

Q. And your average value is what? A. On the Lackawanna, $65,000 per acre.

Q. Where do you consider the most intense value, along the Hudson County short front? A. Why, I think that the property at the—well, about at Hoboken.

Q. About this location of this property? A. At about the ferry, at the foot—where the ferry is located there at that plaza, I should say that that, because of the means of transit down there, the advertising facilities and all that, a short strip in there would be more valuable. I have appraised it at $10,000 higher than I did the average of the main line—of the main yard. If I were taking a little piece out I think I would put the highest value right at that point.

Q. So in your opinion the highest market value of any property along this shore of Hudson County was $75,000 an acre? A. Let me see for just a moment. I think that is the highest price that I put on any of this property was right there at the D., L. & W. ferries—$75,000 an acre.

Q. Is there any sale to your mind of substantially similar property to this property of the Lackawanna? A. Well, the nearest sales that come in there are those of the Manor Real Estate and the Ocean Steamship Company. Then we have the sale of the—the Government takings there of the Hamburg-American, Warehouse and Terminal, and the North German Lloyd.

Q. Just a minute. You know we don't consider those sales.

Mr. Bain: I object to that. I am not so sure that we don't consider them. Those are properties taken over by the Government under appraisement.

Mr. Stout. Well, Mr. Bain knows that we have never considered a sale—

Mr. Stallman: Who is "we"?

Mr. Bain: I don't know any such thing. As a matter of fact, the evidence as to one of those takings by the Government has been put in before this board.

Mr. Jess: Well, the witness certainly can tell what he considered, Mr. Stout, whether properly or not. That is your question, isn't it?

Mr. Stout: My question was directed to sales.

Mr. Jess: Yes.

Mr. Stout: Now, I say that property, taken in condemnation or acquired by the Government under the eminent domain power, has never been considered by this board as a standard of value and therefore when we speak of sales we mean sales by private contract which come within the constitution and the statute.

Mr. Stallman: May I ask counsel if the rule as to the measure of value in a matter of condemnation is any different than it is in a tax case?

Mr. Stout: But the board has never used it because—

Mr. Jess: Well, if you wish to limit the witness, Mr. Stout, to sales by private contract and your question is framed to limit it in that way, you may do so.

Mr. Stout: Well, I put that in the question. I assumed that the witness would stay within the boundary of sales—

Mr. Jess: Well, he may consider that that was proper as an expert. I don't know whether he does or not.

Mr. Stout: Well, sales by private contract; put that in the question.

A. Well, I would consider the sale of the Ocean Steamship Company to the Hudson Realty Company, I would consider the sale of the Manor Realty Company to the Hudson Realty Company, but at that particular point—then there were some—

Q. Did you consider the sale of the American Coal Company to the International Elevating Company? A. Oh, yes, I considered that sale but it was a considerable distance farther down the river than that. I considered all the information I could gather there, around there, around this D., L. & W. location, taking in the Hamburg-American, the North German Lloyd, the sale of the Manor Real Estate to the Hudson Realty Company, and the sale of the Ocean Steamship Company to the Hudson Realty Company, and the taking of the American Warehouse & Trading Company properties. I gathered what information I could about those and made whatever deductions I could from them in establishing a value for the D., L. & W. properties.

Q. In your opinion these sales which you have referred to are they of property more or less valuable than the Lackawanna? A. Well, taking the entire Lackawanna property, I would consider that the Hamburg-American and North German Lloyd were more valuable than the average price of the Lackawanna property.

Q. Your lowest valuation on the Lackawanna property is $60,000 an acre, is it not? A. On the Lackawanna?

Q. Yes? A. No, the lowest valuation that I have is $55,000 I think; that is the Manor Real Estate piece.

Q. Of $55,000? A. And the Ocean Steamship Company, that was a $60,000 piece.

Q. Well, that wasn't in the yard, was it? A. The $55,000, that is not in the yards, no. In the yards —in the yard proper, that is to say the ferry and the property lying south, the values are $65,000 per acre with a valuation of $75,000 per acre on the ferry piece proper.

Q. Did you value the Lackawanna yard all as shore front property? A. I valued it as a large parcel of property having shore front and upland.

Q. You didn't put a different value upon a certain portion of it adjacent to the shore and then a different valuation upon the residue as being interior land? A. I didn't attempt to do that. That is a large piece of property and I considered it just as it was.

Q. You say that $65,000 is an average value, do you not? A. Yes, I have applied that unit of value to every part of that property.

Q. And will you tell us just how you arrive at that sixty-five thousand an acre? A. Considered all the sales that I could find on the river front, considered the location of this particular property, and said that land is worth $65,000 per acre.

Q. You haven't any sale of property which you could compare with that, have you? A. I have sales—

Q. Of substantially similar property? A. Of a property of that size and of that depth? I don't think that I have a sale along this shore front there at all.

Q. Well, the sales didn't help you very much then, did they? A. Certainly they helped me.

Q. In what way? A. Well, I had some knowledge of what the properties here had sold for.

Q. Does a sale of a dissimilar piece of property help you in arriving at such property? A. At times, yes. If that is all that we have we have to use the information that we can gather, and we depend upon our experience in enabling us to form a judgment of value.

Q. Well, now, will you just give us the sales, not all of them, but the principal sales which you considered in arriving at this value? A. I have told you I considered—

Q. And the selling price per acre of the sales, which you have considered? A. March, 1916, Manor Real Estate & Trust Company to the Hudson Realty Company, 7.621 acres, consideration $450,000, rate per acre $59,045. In December, 1915, the Ocean Steamship Company to the Hudson Realty Company, 16.135 acres, consideration $945,000, rate per acre $54,227. In April, 1919, the Hamburg-American property to the United States of America, 20.460 acres, consideration $1,093,400, at the rate of $53,441 per acre. In June, 1919, the American Warehouse & Trading Company to the United States of America, 5.773 acres, consideration $315,161, the rate per acre was $52,592. In 1919, the North German Lloyd Company to the United States of America, area 27.746 acres and the consideration $1,317,500, and the rate per acre $47,484. I think those were all of the sales—there was another parcel of the—no, I think those were all the sales there which I considered.

Q. All except the first two sales that you mentioned, were sales to the United States Government, were they not? A. Yes.

Q. And you use those sales to the United States Government as a basis for arriving at the value of the Lackawanna yard? A. I gave them consideration.

Q. You gave them consideration? A. Yes.

Q. In what way? A. Well, it was information regarding transactions made on the water front. I could draw my own conclusions.

Q. You gave them the same consideration as you did the other two sales? A. Well, I considered them.

Q. I mean did you give them the same consideration? A. Well, consideration; I simply considered them and I made my own deductions from the sales. It was the same consideration—I gathered what information I could there, and having that information in my mind I went ahead and appraised the value of the other property.

Q. Do you know whether those first two sales which you mentioned were at market value? A. I was informed that they were under no particular necessity to take them, that it was simply an agreement to purchase.

Q. Well, will you say that the Government sales were at market value? A. In my opinion they were much below market value. I did consider that property worth more than the price the Government paid for it.

Q. You don't consider any of the property involved in these five sales that you have just related is as valuable as the property of the Lackawanna, do you? A. Well, it is pretty hard for you to take—I consider

that the location of the Hamburg-American right there where it is located is as valuable as the location of the D., L. & W. Probably the North German Lloyd, being a little bit farther away from that main center, might be worth a little less; probably grade up—grade down in values a little as you went north.

Q. Don't you have to consider back land values, Mr. Huntley, in arriving at the value of the Lackawanna property here under consideration? A. Yes, sir; I considered all the land that I found enclosed within that particular—

Q. Answer the question, won't you? A. Well, I didn't attempt to separate back land from water front right there, if that is what you have reference to.

Q. No, I am asking—just read the question.

(Question read.)

A. No, I don't.

Q. You only have to consider short front property? A. I didn't say any such thing. I considered the whole property. Now, don't separate me from back land or water front or anything else. I simply considered the whole property.

Q. But appraise it as shore front property, don't you? A. I appraise it as a piece of land having shore front.

Q. What kind of property is it? A. What?

Q. What kind of property is it? A. Why, it is land under water and upland.

Q. Yes. You can't term or designate it as shore front property, or as interior land? A. I wouldn't—

Mr. Bain: You mean the whole thing?

Mr. Stout: Yes.

Mr. Wall: I submit he has answered it. He says that it is land that has a shore front.

Mr. Bain: He is asking a man whether he can designate land on the Hudson River as shore front.

Mr. Jess: Go ahead. The question is allowed. Just read the question.

(Question read.)

A. Well, I have said that I considered it as a piece of land combining both shore front and interior land as all one parcel. That is the way I appraised it.

Q. That is the best answer you can give to that? A. Yes.

A recess was here taken until two o'clock P. M.

After recess.

ROBERT HUNTLEY resumes the stand.

Mr. Stallman: Mr. Stout, before you go on, will you let me straighten out a situation that Mr. Huntley inadvertently got into?

Mr. Stout: Yes, sir; if you think he needs straightening I will let you do it.

By Mr. Stallman:

Q. Mr. Huntley, in answer to a question by Mr. Stout, you stated that you thought the peak of prices of lands along the Jersey shore were at the Hoboken Ferry or in that neighborhood. Did you understand the geographical limitations that he mentioned? A. Well, I supposed that he was asking me the peak of

values down the river as far as we had gotten down at the Lackawanna Railroad; that was what I had in mind, because I would give the value, higher value, to the land at the foot of Exchange Street, in Jersey City, but I didn't intend to make a statement which you might apply to the entire shore front. I supposed I was confining my attention just to the Lackawanna section.

Mr. Stallman: That is all.

Mr. Stout: Are you satisfied, Mr. Wall, to have it down at Exchange place?

Mr. Wall: I have to follow where the torture of truth goes.

Mr. Stout: I think the question was the peak of value between Weehawken and Bayonne, including those municipalities, on the shore front.

Mr. Stallman: That is the way I understood your question. Mr. Huntley evidently didn't understand it that way.

Mr. Stout: He does now.

CROSS-EXAMINATION continued by Mr. Stout:

Q. Mr. Huntley, referring for a moment to the property of the West Shore, and directing your attention to the lease of the New York State Realty & Terminal Company to the Cunard Terminal Corporation, are you familiar with that lease? A. No, I am not.

Q. Do you consider the yearly rental of property of this class as an element in determining the value of it? A. Oh, it might be of some value to me. I very seldom consider those leases, although I haven't a great many records of them.

Q. Did you make any inquiry about this lease? A. I did not.

Q. You didn't think that was of sufficient importance? A. I hadn't had it come to my attention, therefore I did not look into it at all.

Q. You have been over this map, haven't you? A. Well, in its final shape, no. I had the map before it was finally finished up enough to give me the general locations of the property.

Q. Well, you knew there was such a map? A. I believe that I heard recently there was such a map, yes, sir.

Q. And there was a lease of property adjacent to the other property of the Cunard people? A. Yes.

Q. You also referred to the King sale? A. Yes.

Q. When was that sale made? A. I just forget —that was made back about something like 1914, 1915; perhaps it was a little earlier than that. I have a record of it (referring to papers).

Mr. Stallman: If you know when it was made, tell him. What is the use of wasting time?

Mr. Stout: He may have a different King.

A. I don't seem to have the data right at hand in connection with that, but I do know that there was a matter of some seven transactions in it, and varying prices.

Q. I am referring to the sale of King to the West Shore of 250 feet next to the ferry? A. Well, there were a number of sales there. It took a large tract in south of the ferry and between there and the—between the ferry and the Cunard property. That is the one which I have in mind. Which do you refer to?

Q. I refer to this 250 feet here (indicating on map), right next to the ferry tract of 6.8 acres. A. Is that that triangular piece there which seems to carry out the line of the—

Q. But the piece I have in mind runs 250 feet in depth—

Mr. Bain: Width.

Q. Width, rather. A. I don't think I have that particular sale, no. I had the sales by which that whole tract in between the Cunard property and the West Shore were acquired. I had a memorandum of them.

Q. Refer now to the property of the Long Dock Company. A. The Long Dock property that is—

Mr. Bain: A part of the Erie.

A. A part of the Erie. I don't happen to know all of these by the same names you mention. Yes, sir.

Q. You divided the holdings there of the Long Dock into various parcels or units? A. Yes, I followed the division made as I understood by the tax department.

Q. And by the tax department you mean the State Board of Taxes & Assessment? A. Well, I don't know who made these divisions. These are the ways in which they were given to me as divisions to be considered here.

Mr. Bain: I can state that they are the divisions made by the State Board of Taxes & Assessment.

Q. Would you have placed the same value on the property of the Long Dock Company if you had valued it all as one tract?

Mr. Bain: I object to that question, if the Board please, on the ground that we are required to follow the State Board's assessments and divisions in producing evidence as to value.

Mr. Stout: I think, may it please the Board, that this is cross-examination and if the property was all in one ownership, as it is, that the values of the individual parcels, which has been separated by this Board for the purpose of taxation, might be the value that the parcels bear to the whole tract. It seems to me that under the decision of the Supreme Court that where property is all in one ownership that we have a right to test the witness's knowledge as to whether he would put a different value upon the property placing it upon parcels or whether putting it on the whole tract.

Mr. Bain: I don't understand that the State is in a position to question the division of this Board of the various parcels.

Mr. Stout: I am not questioning it.

Mr. Bain: That is what it amounts to. Your question was whether they would have a greater value if assessed together than if they were separated by the State Board.

Mr. Jess: The objection is overruled.

Mr. Stout: I didn't say assessed; I said put the same value on it.

A. Inasmuch as I put the same value on them considering them all as parts of one large parcel, I think my answer would be yes.

Q. How do you account for the difference in value between the tract consisting of 6.257 acres

and .924 acres? A. Because that was one piece that so far as concerns the .924 acres was a small piece separated from the other portion by an open street, Henderson Street, lying in between Henderson and Grove Streets, probably the more valuable streets west of Provost Avenue.

Mr. Bain: Provost Street?

The Witness: Or Provost Street, rather.

Q. Do you consider the land west of Provost Street more valuable than the land east of it? A. I consider that the land between Grove and Henderson Street is probably the most valuable land west of Provost Street. I didn't say anything about the land east of Provost.

Q. Well, would you give us an opinion? A. Well, I have appraised the property to the east of Provost Street at $65,000 per acre, and I appraised the property from Henderson Street to Grove Street at $80,000 an acre, so I would consider that the land east of Provost Street would not be of quite the same value as that particular little piece per foot.

Q. To the extent of $15,000? A. That was the opinion, yes.

Q. And that is not due to any other element except location? A. That was all.

Q. Did you use the sales or values of back land property in arriving at your appraised value of this land east of Pavonia Avenue, or of Provost Street—west of Provost Street?

Mr. Stallman: Will you make the question a little bit more clear as to what you refer to when you say back land?

Q. I mean by back lands, lands not in railroad ownership and not tied up to shore front property.

Mr. Bain: Of course the question now is whether in valuing the property from Grove Street to Henderson he considered the value of neighboring back lands.

Mr. Stout: Yes, that is the question.

A. I just considered the location of this property in between Henderson and Grove Streets and tried to think of it what it would be worth if it wasn't being used especially for railroad purposes, what would a piece in that location not used for railroad purposes be worth, and I considered that is the best land, the land in between Henderson and Grove Streets the most valuable land that there is there, and it might be worth around $80,000 an acre as compared with a valuation of $65,000 for the rest of the railroad company's property.

Q. Did you consider the sales of back land property? A. I considered some sales that were such sales as the sale to Armour & Company to the American Can Company, but those were a considerable distance from here. I didn't find any sales right in the immediate neighborhood of this.

Q. And you haven't made a study of sales or the value of back land property in that locality? A. Oh, yes, I have, I have looked at a great many sales of property lying west of Henderson Street, but I didn't find any right in the immediate neighborhood of this particular property.

Q. You say you looked at them, have you studied the sales? A. I studied the sales, yes.

Q. And those sales helped you in arriving at the value of this particular piece of property at $80,000 an acre? A. Why, I could draw deductions from them, yes.

Q. The remaining portion of the property of the Long Dock you have appraised at $65,000 an acre? A. Yes.

Q. And what is your basis for that? A. The consideration of the location of this property, all the sales which I could find up and down the river, all the sales which I have already quoted to you, and also considered that sale of the American Coal Company.

Q. Would you say that the property of the International Elevator Company is substantially similar to this Long Dock property? A. Similar in the fact that it has frontage on deep water of the Hudson River. It hasn't any such depth between the bulkhead and pierhead line, it hasn't the depth back of it; it was a strip, narrow strip, of water front property. It had a location nearer to the real intensive development of Jersey City in my opinion.

Q. Which in your opinion is the more valuable property or has the greater market value, the International Elevating Company or the property of the Long Dock which you have appraised at $65,000 per acre?

Mr. Stallman: Value per square foot?

Mr. Stout: Per acre.

A. Well, it would be pretty hard to make a comparison of land that had as much upland in con-

nection with it as the Long Dock property—compare that with a narrow strip of upland and a shallow water front.

Q. You have considered both properties, haven't you? A. I have, yes.

Q. If I came to you and asked you to put an appraisal upon the International Elevating Company property, would it be at a lower rate per acre or a higher rate per acre than the Long Dock property?

Mr. Bain: Objected to on the ground that it calls for an attempt to ascertain the value of a particular property by comparison with property which the undisputed testimony shows is entirely dissimilar in location and condition.

Mr. Stout: He hasn't said it is entirely dissimilar.

Mr. Bain: I think that is what the witness's answer implied, that they are entirely dissimilar both in location and condition.

Mr. Stout: Just a minute.

Q. Would you say that the International Elevating Company property is entirely dissimilar from the property of the Long Dock here under consideration? A. Why, dissimilar in a great many ways.

Q. Well, is there such a similarity that you could use it to help you in arriving at the value of the Long Dock?

Mr. Bain: Objected to on the ground that that is not the legal rule. The test is whether

the property used for comparison is so similar as to admit of easy comparison.

Mr. Jess: Well, I think the witness testified in this case as a matter of fact that he did consider the sale to the International Elevating Company.

Mr. Bain: Considered it but not for the purpose of direct comparison. That is just the point.

Mr. Jess: I think if he considered it at all that the question is proper cross-examination.

A. Why, to make a comparison I should say that the property of the American Coal, the property known as the American Coal property was more valuable per square foot than the entire Long Dock property.

Q. You say more valuable? A. Yes.

Q. And you remember testifying this morning that that sale was in your opinion at market value? A. What sale?

Q. Why, the sale of the American Coal Company to the International Elevating Company. A. Yes, I think so.

Q. At what rate was that per acre, do you know? A. Well, about $68,000, I think; $68,200.

Q. Are you considering there eight city lots? A. I am considering a piece of property that contained 4.396 acres.

Q. And not eight city lots? A. Oh, no, it isn't; the property that I valued, the Elevator Company property.

Q. Do you know what property the International Elevating Company got by that sale? A. I am in-

formed that they got the property going from about from the center of two streets and back a hundred feet —probably 150 feet—from the bulkhead line, extending from there right out to the pierhead line.

Q. And that is the area that you are considering when you say that the International Elevator Company property is of greater value per acre than the Long Dock property? A. That is the property I am considering, the whole property.

Q. And if it was of a less area than what you considered, you would then change your value, would you not, per acre?

Mr. Bain: Value of what per acre?

Mr. Stout: Of the International Elevating Company property.

A. Surely. If it was less area and the same stated consideration, naturally the price per acre would be higher.

Q. So you think that there is about $3,000 an acre difference in value between the Long Dock property and the International?

Mr. Bain: I make the same objection I made before. You can't determine the value of a particular property by comparison with dissimilar property and the use of some subtraction.

Mr. Jess: Objection overruled.

A. My impression is that I have already given you an appraisal which would show that it was a little higher than that, something like $5,000 difference instead of three. Or didn't I give you any

figures on that? I believe that was something that you kept me out of giving any figures on.

Q. I don't think I have kept you out very much.

Mr. Bain: May I ask that that question be read?

A. I don't believe I gave any figures on that.

Q. Well, can you give an opinion on that? A. I did not appraise the International—that International Elevating Company property I believe but I did appraise the property next to it, at $75,000 per acre.

Q. And the property that you appraised at $75,000 an acre, was that as valuable as the International? A. I should say it was about the same valuation.

Q. Now, refer to the Harsimus yard of the Pennsylvania Railroad system? A. All right.

Q. You put an average valuation on that property as of January 1, 1921, of $65,000 per acre? A. Yes.

Q. And you consider it to be of the same value as the Long Dock property? A. Yes.

Q. And you consider the property of the International Elevator Company, which is immediately adjacent to this property of greater value? A. Why, not immediately adjacent to this property; it is some little distance to the south of it.

Q. How far away? A. Oh, let me see, that must be something like—well, I really don't know; I should imagine something like 1,500 or 2,000 feet.

Mr. Wall: Separated by a street, isn't it?

The Witness: Oh, it is separated by several streets, and the main passenger yard of the Pennsylvania.

Q. Well, strike out the word immediately adjacent.

Mr. Stallman: How far does the scale measure, at 150 feet to the inch, Mr. Dunham?

Mr. Dunham: About 1,500 feet.

Q. And you considered the sales of back land immediately to the west of the Harsimus yard? A. I don't think that I had any sales immediately back of the Harsimus yards. I had some sales, quite a number of sales, between the Erie Railroad and Hoboken, and west of Henderson Street.

Q. Don't you know, Mr. Huntley, that there have been a great number of sales immediately west of this property during the past three years? A. I don't, no.

Q. Do you know the sale of Butler Brothers? A. I haven't a record of it.

Q. You don't know that property; the sales to the Pennsylvania Railroad? A. I haven't the record of those sales. I was only concerned with the water front at this particular point.

Q. And you don't know that property back there has been selling at the rate of $4 a square foot? A. Where?

Q. Immediately back of this land? A. No, I don't know that it has.

Q. If such is the fact, and those sales were at market value, would that in any way cause you to modify your opinion? A. No.

Q. You don't care what the market value of the back land is? A. I haven't said any such thing. I don't see any reason for those sales causing me to change my opinion of the value of that particular piece of property.

Q. Are you familiar with back land values in that locality? A. Oh, I have never made any great study of the back land values. I know back in there to be quite a variety of values.

Q. If you didn't consider the sales there of back land, just what was your basis in arriving at the value of this Harsimus yard? A. Considered all those water front sales as I came down to river, and as I put the values on the other properties considered the relation of that particular property and the size and shape of it and made my opinion of the value in that way.

Q. You have considered the Cunard sale in arriving— A. I have considered all the sales down the river.

Q. Now, refer to Exchange Place yard? A. Yes, sir.

Q. And your valuation of that property as of January 1, 1921, is $80,000 an acre? A. Yes.

Q. Is this in your opinion the most valuable land in Hudson County along the shore front? A. Yes. This location is the highest valued land.

Q. Why do you consider it the most valuable? A. The most intensively developed land, and it is surrounded by the most intensively developed land I think in Jersey City, particularly any of the property that lies down along the river. That is right in there at Exchange place and Montgomery Street that for very

many years was the real business center of Jersey City and I think still maintains that lead.

Q. How does it compare with the Lackawanna property? A. Oh, I think it is better than the Lackawanna property.

Q. Hasn't the Lackawanna got all of those advantages that you speak of? A. Not in the same degree.

Q. What do you mean, population or what? A. The population and the amount of street property and business development back of it.

Q. As far as the ferries and the tubes and the trolleys are concerned, the properties are about the same, aren't they? A. Ferries, tubes and trolleys, yes, the Lackawanna and the Pennsylvania have those same means of transportation.

Q. And banks and office buildings are substantially similar, are they not? A. I think there are more and better banking buildings near the Pennsylvania than down near Hoboken.

Q. And you figure that ought to be at the rate of about $15,000 an acre, those additional advantages? A. Yes, sir; I allowed that difference in the valuation of the two properties.

Mr. Stallman: In this difference of $15,000 an acre, Mr. Stout, which properties did you have in mind?

Mr. Stout: I had the property of the Lackawanna yard and the Exchange yard of the Pennsylvania.

Q. Do you, Mr. Huntley, know the values of the lands immediately west of the Exchange Place property of the Pennsylvania? A. Well, do you mean the—

Q. Take for example—do you know the value of the land upon which the building of the Commercial Trust Company stands? A. The Commercial Trust Company? Is that at the corner of Washington Street and Montgomery?

Q. No, that is right next to the ferry.

Mr. Bain: Next to the trolley car shed on Exchange Place.

A. I have never had occasion to appraise it, no.

Q. Have you any idea of its value? A. Why, a lot right in there, I should—no, I don't know that I have made a sufficient amount of study of that; it is a special piece of property and probably would have a value of its own. But taking it as a lot I should think that it was worth, take it for what it is worth, I should think it would be worth somewhere around $10 a square foot for a hundred by a hundred in there.

Q. If it sold for twice that amount would that change your opinion as to value? A. Not the value of the Pennsylvania yard, no.

Q. I mean as to the property under consideration. A. Why, I told you that I haven't made—

Mr. Bain: The property under consideration, you mean the Commercial Trust Company?

Mr. Stout: Yes.

A. Why—

Mr. Wall: What help is it to probe a man as to something he says he hasn't studied? You get his guess then.

Mr. Jess: I suppose the witness after his explanation ought not to have answered the question.

Mr. Wall: Well, but he keeps after him and the witness is polite about it.

Mr. Bain: He says you can take it for what it is worth.

Mr. Jess: He said very frankly he didn't know about the value there and wasn't prepared—hadn't appraised it and it was merely a guess.

Mr. Wall: Yes.

Q. Now, we go to the Greenville yard of the Pennsylvania. A. Yes, sir.

Q. Your average valuation of that property is $15,000 an acre as of January 1, 1922? A. That is for the filled land, and then there is about 105 acres of land in front of the filled which I value at $5,000 per acre.

Q. Do you know the sale of Currie to the Tide Water Oil Company? A. Currie—Lehigh Valley—

Q. No, just Currie to the Tide Water Oil? A. Currie to the Tide Water Oil. I have here a memorandum of that of some land which was sold to the west of the Morris Canal.

Q. That is it. A. I don't seem to be able to find that at the moment, but I just remember that they sold a piece of property in there, several acres, at about $15,000 per acre.

Q. Did you ever make an observation of that property? A. I did, yes.

Q. It sold for $15,000 an acre in 1920, didn't it? A. About that time.

Q. Do you know whether that was fair sale or not? A. I know that an officer of the Tide Water Oil Company told me that he had to have space for his oil tanks and that he paid a high price for the property, that it was at the moment the only available piece of property of sufficient carrying capacity, having a sufficient solidity of strata to carry the big storage tanks that they had, and they had to pay a price which he considered to be exorbitant.

Q. Did this officer of the Tide Water Oil Company tell you that the property had been appraised by a real estate expert at that value per acre? A. No, he did not.

Mr. Wall: Or that Currie moved to South Orange and bought a big house at once?

Q. Do you know what the original offer of the Standard Oil was—I mean of the Tide Water Oil Company, was for the property? A. No, I do not.

Q. You don't know that they offered $10,000 an acre to start? A. I do not, no.

Mr. Wall: The way counsel can put values into a cross-examining question—it is a touch of Midas.

Mr. Stout: I didn't know it was that.

Q. What in your opinion was the market value of that property at the time of the sale? A. Well, from its general location as I would see it I should think it might have been worth somewhere in the neighborhood of, oh, from five thousand to $7,500 an acre for ordinary manufacturing purposes.

Q. Now, the sale of the New York Bay Railroad Company to the Lehigh Valley in 1921, or 1920. A. New York Bay Railroad Company to Lehigh Valley, 28.783 acres.

Q. Fifteen thousand for upland and five for land under water, wasn't it? A. Well, the total consideration was $411,500, and the rate per acre for the entire thing was $14,306.

Q. That was back land of an adjoining piece of property to this Greenville yard, wasn't it? A. Yes.

Q. Yes. Do you consider the back land as valuable as the front land?

Mr. Bain: I object unless the part designated as back land and the part designated as front land is specified; otherwise the question is unintelligible.

Mr. Jess: Yes.

Q. Well, do you consider land back of the middle line of the tract as valuable as the front land—to the bulkhead?

Mr. Bain: Middle of the tract, you mean half way between the pierhead line and the extreme rear line?

Mr. Stout: I mean if you take the tract and draw a line in the center of it, is the land back of the line more or less valuable than the land in front of the line.

A. Well, in this particular place you wouldn't hit any upland. You would hit a lot of land under water at that point. But you take the upland as adjoining railroad tracks I should say was more valuable than the land under water in front of the—down to that halfway point, and I think—

Mr. Bain: Go ahead.
Mr. Wall: Finish it up.

A. (Continuing.) And I think that would practically apply to all that land coming out to the bulkhead line because it would have to have some upland —have to have the back land in order to get out and improve the land under water and that land under water couldn't be used without improvement.

Q. Do you think that the upland along the Morris Canal is more valuable than the land under water out to the bulkhead? A. Well, I won't say that in each and every case of the land along the Morris Canal, but just take this upland lying in between the railroad and the New York Bay I should say that the upland there would be more valuable than the land under water.

Q. Would you say in respect to this piece of upland property which the Pennsylvania sold to the Lehigh Valley, or the New York Bay, rather, railroad was of the average value of the value of the whole tract? A. Of what?

Q. Of the land from which it is taken? A. You mean—

Mr. Bain: Would you mind indicating to the witness the location of that land on the map?

A. Well, I presume that what you mean to ask me about is—

Q. This piece back here (indicating on map).

Mr. Wall: Referring to—

Mr. Bain: A small triangular piece shown on the map as containing 13.98 acres.

Q. You haven't got the lot and block numbers on here so that you can refer to them, have you?

Mr. Bain: Strike out what I said.

Mr. Wall: Mr. Ryer says it is part of Block 21, Lot 1507.

Mr. Stout: That is it.

Mr. Bain: Referring to assessment on Lot 21, Block 1507.

Mr. Stout: That is right.

Q. You say that that portion which was sold was of the average value of the whole tract? A. I should say that it was. In fact, when that was comprised within the Pennsylvania Greenville yard I would have appraised all of that land from the bulkhead up to back including this piece, I would have appraised it all at $15,000.

Q. Now, then, if the Pennsylvania Railroad Company had sold instead of 28 acres 50 acres, running from the rear of the tract towards the front, would that have been the same average value, in your opinion?

Mr. Bain: Running all the way to the pierhead line?

Mr. Stout: No, it wouldn't go through. There is something like a hundred acres in this tract.

Mr. Wall: Well, I think it ought to be a little clearer than that, may it please the Board. He said in the most unequivocal language he valued it all at $15,000; if you carve out a piece, why he valued the piece at that. Now he asks him to carve out some other piece.

Mr. Bain: He ought to limit it so that it is perfectly intelligible as to what he means.

Q. Well, let's take a piece the same size out of this tract back of the bulkhead. Would you put the same valuation on it? A. Well, I don't know. It is a piece of property that at the present time is filled down to the bulkhead, and has its connection with the upland. If you undertake to cut off the bulkheaded land from the other upland and shut off its means of egress, why you have done some damage that I am not at the present moment capable of stating.

Q. What I am trying to get at, Mr. Huntley, is this: If you took from this tract known as 21, in Block 1507, 28 acres immediately back of the bulkhead, wouldn't that be more valuable than this 28 acres taken from the portion where it was taken? A. Well, you have got to consider the physical condition of the lands there, and I don't see what particular advantage—you don't want to buy that 28 acres directly back from the bulkhead if they didn't have the rights to use the upland to the back of that. That is what I have to say.

Q. In your opinion when it is all in one tract the back lands have a value equal to the front lands? A. Oh, I would appraise that all as one tract. That is the way it is laid out there and the way it is used, and I don't know how you could separate that tract without a good deal of consequential damage to the people owning it, so I would—I don't believe that I could give you an intelligible answer of value offhand to the question which you have asked me.

Q. You know the sale of the United Real Estate Company to the Standard Oil Company? A. United Real Estate Company?

Q. Yes; property down in Bayonne. A. I don't remember a sale under that name.

Q. Well, probably you may know it as the sale of the Lehigh Valley to the Standard Oil. A. I have told you that I heard there had been a sale made there, but the matter has never been put on record.

Q. You haven't examined that property to determine whether that sale was at market value? A. Well, not knowing just what it was sold for I couldn't tell whether it was at market value. I looked at the property some time ago.

Q. But you are not in a position to say what in your opinion is the market value of that property? A. What? What market value?

Q. Yes. This tract sold to— A. No. I have never made a close enough examination of it so that I don't want to—

Q. You then didn't take that sale into consideration in arriving at the value of the Greenville yard of the Pennsylvania? A. No, I couldn't. I wasn't—there wasn't information enough about it for me to use it.

Q. What sales did you take into consideration in arriving at the value of the Greenville yard of the Pennsylvania Railroad Company? A. I took in all of these sales that went in to make the Lehigh Valley, which I have given to you the other day as showing a matter of 540.938 acres with a total of considerations of $4,318,854, and an average price per acre of $7,984, and I considered the sale of R. G. Packard Company to the Standard Oil Company, which comprised 139 acres, sold for $650,000, which is at the rate of $4,676 per acre. There was about 39 acres of upland in that, and about 100 acres of land under water, railroad fa-

cilities, down there in the Constable Hook section, and near the Standard Oil Company's big refinery.

Q. What would you say, Mr. Huntley, as to the location of the Greenville yard of the Pennsylvania Railroad Company as compared with the Lehigh Valley Terminal Railway Company land adjoining?

Mr. Wall: Well, now, location as to what, from what angle, railroad efficiency or—

Mr. Bain: I think the location is apparent there. They are side by side.

Mr. Wall: It is a difficult question to answer.

Mr. Jess: Yes, I think, Mr. Stout, that there ought to be some limitation.

Q. Well, assuming that the word location there included accessibility and—

Mr. Wall: Well, accessibility from the water?

Mr. Stout: Yes.

Mr. Wall: Or from the land?

Mr. Stout: Well, from the water and from the land. When speaking of the location of a piece of property you consider its surroundings.

Mr. Bain: Well, an answer side by side would really answer your question, you know.

Mr. Stout: Well, is that property almost side by side—whether one had a deep water channel in front and the other did not have, whether it had rock in front or whether it had not.

Mr. Bain: What Mr. Stout is after is its condition, not its location.

Mr. Stout: Location as to its surroundings.

Mr. Jess: Well, Mr. Huntley, do you understand the question so that you can give an intelligent answer?

The Witness: Well, I don't just at the moment, no.

Q. All right, then I will ask you to compare the property of the Lehigh Valley Harbor Terminal Railway Company with the Greenville yard of the Pennsylvania? A. Well, the Lehigh Valley Harbor Terminal Railway Company consisted mainly of a fringe of upland and a great deal of land under water. The Pennsylvania Railroad terminal had two-thirds of its area filled upland, and so far as the distances from Bayonne, to the center of Bayonne and Jersey City, why, I don't know that there is a great deal to choose—and the general relation of the two properties to the New York Bay, and the channels; I don't know that there is a great deal to choose between the two as to the location.

Mr. Bain: That is assuming that the channel will be dredged into the Lehigh Valley Terminal property.

The Witness: Oh, yes. I am speaking now only of location with relation to the deep water channel of New York Bay. As regards the physical condition of the property, the Pennsylvania Railroad having a dredged channel up to the bulkhead it would naturally be an additional value to the property. Assuming that the two properties could be put into practically the same physical condition, I don't believe that there would be any particular difference in the value.

Q. That is what I want to get at. A. What I presume you were intending to lead me to do is to say whether as regards the location of this property on the bay and the location, its relation to the center of Jersey City and the center of Bayonne, whether I think it would make any great difference, is that correct? And I think if they were put in the same physical condition there wouldn't be anything to choose between them.

Q. Would you say then that the comparison of value between these two pieces of property would be what it would cost to put the Lehigh Valley Harbor Terminal Railway Company in the same condition as the Greenville yard of the Pennsylvania? A. Well, I am not an engineer, but I should think it would cost about that amount of difference.

Q. That would be about the difference, don't you think so? A. I should think it would cost that. Of course, it is a real estate man's opinion, not an expert developer.

Q. All right.

Mr. Wall: Is that all, Mr. Stout?

Mr. Stout: That is all for the Pennsylvania. I have got to take the Central and the Lehigh Valley yet, haven't I, in order to perform my duty?

Mr. Wall: Wouldn't it be a good thing to put these things in now. I gave you a copy of it you know, and they are just the schedules in convenient form.

Mr. Stout: Well, I am afraid you might confuse me if you put them in now.

Q. Now, then, let's go back up the stream and take the first piece of property; I think it is the Lehigh Valley, isn't it the Morris— A. The Lehigh Valley?

Q. Yes. A. The first piece that I have is a piece of that main stem adjoining the Tide Water Basin.

Q. Where is this property on the map?

Mr. Wall: I would like to put those six schedules in here, I may not be able to be here in the morning, Mr. Jess.

Mr. Jess: Well, I think while we are waiting here they may be put in, Mr. Wall.

Mr. Wall: I will just have them identified.

By Mr. Wall:

Q. Mr. Huntley, are these papers which I hand you entitled "Appraisals of certain parcels of first and second class railroad property by Robert S. Huntley," in the case of the Pennsylvania Railroad Company, and in the case of the New York Central Railroad Company the appraisals which represent the values that you testified to? A. I have checked a list like this, of which this is supposed to be a copy, and I think these are correct. I would ask that the name "Robert S. Huntley" be changed to plain "Robert Huntley."

Mr. Wall: I offer them in evidence. They are exact copies of the ones I gave the Board.

Papers above referred to received in evidence and marked as follows: Schedule consisting of three sheets, "Pennsylvania Rail-

road Company," marked Exhibit P3; schedule consisting of five sheets, "New York Central Railroad Company," marked Exhibit P4.

By Mr. Stout:

Q. All right. A. Lot 43, Block 2145, is the first thing I have.

Q. The first parcel is known as Lot 43 in Block 2145? A. Yes.

Q. 5.941 acres, $25,000 an acre, that is your value as of January 1, 1921? A. Yes.

Q. What property did you compare Lot 43 in Block 2145 with? A. I found no sale of exactly similar to that. I considered that as a part of the main stem of this Lehigh Valley Railroad running from Jersey Avenue down to the pierhead line.

Mr. Bain: Jersey Avenue to 160 feet west of Van Vorst Street.

The Witness: Well, to the bulkhead line, but it was a part of all that property belonging to the Lehigh Valley at that point.

Q. Did you consider it shore front property? A. This particular thing I considered as being a part of a large property. This is water front property, but it is back of the Tide Water Basin and not on the river front.

Q. Do you know of any sales of substantially similar property at the rate of $25,000 an acre? A. I don't think I know of a sale right there of property just similar to this at any price.

Q. So the best that you could do with this is to use your best judgment? A. Yes, sir.

Q. Take the next parcel, Lot 42, in Block 2145, consisting of 2.433 acres. A. That is the portion

of the main stem running from a point 160 feet west of Van Vorst Avenue if produced to about the center line of Washington Street—I should say Van Vorst Street, make that "street" instead of "avenue," and the center line of Washington Street.

Q. The valuation there as of January 1, 1921, is $45,000 an acre? A. $45,000 per acre.

Q. A difference of $20,000 over the twenty-five for the other property? A. Yes.

Q. What do you base that $20,000 increase in value on? A. The difference in the location of the property coming down—

Q. No sales? A. No sales.

Q. Just location? A. Location.

Q. You mean location there in connection with the surroundings, the accessibility, and so forth, don't you? A. No, coming down—no, I took it in connection with the location coming closer down to the bulkhead and river front line.

Q. Well, you mean closer—nearer to the Hudson River? A. Nearer to the Hudson River and the big Tide Water Basin.

Q. Is your reason for separating this property, for placing, rather, a value on this property in these parcels because the State Board so separated it? A. Well, assuming that all these divisions were made by the State Board, yes. I have no knowledge who made the divisions. They were given to me as divisions on which the property was taxed, and if I may understand now that these divisions are now by the State Tax Board I will answer yes to that question always hereafter.

Q. All right. And would you have put the same value on it if it had been assessed all as one tract?

Mr. Bain: I make the same objection I made before.

Mr. Jess: Same ruling. Overruled.

A. If the entire piece had been assessed in one tract I hardly think I would have made these divisions.

Q. No; I mean would you have put the same valuation? A. Well, no; if the entire parcel had been assessed as one tract I probably would have adopted a unit to have covered the entire tract. In this case I have adopted three or four different units in appraising this piece of property.

Q. Well, would it have been the average valuation?

Mr. Bain: Well, that is pretty hard to say. The witness is called upon the spur of the moment to reappraise several very, very large tracts of land. I don't think that is quite fair.

Mr. Stout: I think that is fair. It is a question whether he would put the—

Mr. Wall: We are dealing with the property as it is assessed.

Mr. Bain: We didn't cut the property up in this way.

Mr. Jess: No, I think that perhaps is asking a good deal, after he has gone and seen the property and valued it with respect to certain artificial divisions there and given a definite judgment. However, I think it is entirely competent—if the witness recollects the situation so that he can express an opinion I think it is entirely right that he should do so. What is the question?

Q. (Question read.)

Mr. Jess: You can answer that or explain why you can't answer it just as you please, Mr. Huntley.

A. Well, I don't think that I would have taken the three different prices and divided them by three and given that as an average price. It is my opinion that the sum total of the—that the appraisal of this property as one parcel would have been the same as the aggregate of the appraisal of separate parcels.

Q. In other words, if you took and added your total values, I mean added—yes, your values together and your acreage together, or acres together, and divided the one into the other, you would have gotten the average value per acre?

Mr. Wall: Well, now, he put that pretty neatly. He said the aggregate would have been the same. The aggregate of the three that he took would be the same as what the aggregate of the whole thing divided by the three would be. Now, he said that very cleanly. Isn't that what you want?

Mr. Stout: No, I want—

Mr. Bain: I suggest that the question be repeated. I must say I don't know what you want.

Mr. Wall: Well, what counsel wants is purely a mathematical result of what the witness said, that the aggregate would be the same. In other words, if you divide the whole number of acres into that aggregate you would have the average rate per acre.

Mr. Stout: No, that isn't a matter of mathematics. I want to know whether he would have arrived at the average value in that way. I don't know what the figure is.

Mr. Bain: I take it that what Mr. Stout is really after is this: he wants the witness to say that if he was called upon to value all of these parcels as one single parcel, that he would value the whole at the average rate per acre, which would be calculated according to a sum total of the values of all of the parcels divided by the total area. Now, I submit that that is a very improper question.

Mr. Stout: He can answer it yes or no, whether he would do that or not.

Mr. Jess: Well, I was talking here to Mr. Focht. What was his answer as to what his view was of the value of all the property if he had valued it as a whole? I didn't get that answer.

Mr. Bain: As compared with the values of each of the parts added together?

Mr. Jess: Yes.

Mr. Wall: He said it would be the same.

Mr. Jess: In other words, you would have taken the total for each parcel of property, added the three or four together, and that would give your judgment as to the value of the entire tract, is that right?

The Witness: I think that it would. I think that I would have given the same—that the average price there would be my idea of the value of the whole property.

Mr. Jess: Well, now, what is the question?

Q. The question then is, if you divided that total valuation by the number of acres, why you would get the average value per acre.

Mr. Margerum: That is what he said.

Mr. Stout: Then that is all I want.

Q. Now, according to your appraisal of valuation here, you take the rear portion at $25,500 an acre and then the center at forty-five, and the front at fifty-five, don't you? A. Yes.

Q. Now, are those figures arbitrary values based upon your knowledge of land of this class, or is it based upon sales?

Mr. Bain: Well, what does counsel mean by arbitrary in connection with such a question?

Mr. Stout: An opinion.

Mr. Stallman: And it is opinion evidence.

Mr. Jess: I take it that all opinion evidence, where you haven't any evidence of the actual consideration that was paid, is arbitrary.

Mr. Bain: That was just what I was trying to escape. I think there is a distinction between arbitrary opinion and intelligent judgment.

Mr. Jess: Oh, well, of course.

Mr. Bain: I don't like the word arbitrary. Arbitrary is something that may be without regard to the facts.

Mr. Jess: Well, I didn't use it in that sense at all.

Mr. Bain: Oh, no, of course you didn't. I suggest that Mr. Stout ought to limit the word arbitrary.

Mr. Stout: The reason I used it was because the witness has used it in connection with a certain piece of property.

Mr. Wall: It is the difference between opinion evidence and testimonial evidence.

Mr. Bain: Anybody who is not conversant with the facts, not an expert at all, might give an arbitrary opinion, but an expert gives an opinion based upon intelligent judgment, which is something different than arbitrary.

Mr. Jess: In what sense do you use the word, Mr. Stout?

Mr. Stout: Whether it is just based upon his opinion or whether it is based upon sales of comparable or similar property.

Mr. Jess: That is the question.

A. In forming my opinion of the values of this property, I considered all the sales along the Hudson River. I considered the various properties, the location of this property, its possible uses, its surroundings, took into consideration all the information that I had relating to values along the river front and correlating them as best I could I formed an opinion of value of the different portions of this property.

Q. Do you, Mr. Huntley, make a comparison between wholly dissimilar properties?

Mr. Wall: How can a man tell they are dissimilar until he has made a comparison?

Mr. Jess: Well, I suppose he means whether he uses them, don't you?

Mr. Stout: Yes, yes.

Mr. Wall: He says he used all the sales.

A. I used all the sales—all the information that I could get regarding sales, and I made a study of the conditions surrounding different properties along the water front and I drew my deductions from that information and that study of the conditions.

Q. You consider— A. I don't consider that as being an arbitrary judgment. I had in mind general knowledge of the conditions in the entire New York Harbor, and I had the particular sales that had taken place on the Jersey shore, and I had in mind a study of the conditions surrounding each and every one of these parcels that I have appraised in this proceeding, and I formed my judgment on all those things.

Q. You considered these sales to the Lehigh Valley for its developing—for its terminal yard? A. I did.

Q. Is there any similarity between those mud flats and this particular piece of property, except that they front on water? A. Well, at the extreme end of the basin they come pretty close to being mud flats—that is, out by Jersey Avenue, if you took mud flats, but the main thing is that these both have railroad connection and they both have water front, and the locations are separated quite widely by—

Q. And you used the Cunard sale? A. Considered the Cunard sale; all the sales I could find.

Q. You have considered the Cunard sale in what respect? A. As a sale of water front property, possessing a fringe of upland, railroad land—some im-

provement on it, some railroad connection, and deep water frontage.

Q. You considered the Cunard property as valuable or less valuable than this property? A. Personally, taking this thing as a whole—

Mr. Bain: Referring now to the B Basin—Tide Water Basin?

Mr. Stout: Yes.

A. (Continuing.) If you take in the entire Tide Water Basin, the bare land, I would consider it I think as of less value than the Cunard. Possibly it is of the same value, but I think the Cunard is worth a little more.

Q. Can you compare this property so as to help you in determining value with the West Shore property, West Shore yard? A. Well, it is a pretty hard matter to make a comparison of a piece of property which has a very long river front and a rather shallow depth from pierhead to shore line with a piece of property which doesn't have a very wide river front and a very great depth back on the—

Q. Well, is it more difficult to make that comparison than it is to put a value upon this property of the Lehigh Valley in three parcels? A. What, to make comparison?

Q. Yes. A. Well, you would have to compare the relative merits of each and every parcel here, if this had been divided into—it has a little different attributes of value and to make a clear statement of a comparison between these two properties would be rather difficult.

Q. Referring to 41c, Lot 41c, in 2145, on which you place a value of $10,000 an acre. What do you compare that with? A. 41c.

Q. Yes, a piece of main stem there. A. I had no sales immediately adjoining that property but I considered that there was a piece of property alongside of a railroad and that it might have a value of $10,000 per acre, because manufacturing—you take manufacturing properties with railroad sidings in Jersey City and in Newark I find if they are located near the labor market they will sell from—oh, $7,500 to $10,000, or $12,000 per acre, and I said this might be the fair value of this property, $10,000 per acre.

Q. Is that— A. That is all.

Q. That is the source of your knowledge in arriving at an opinion of this property? A. I think that is the source—that is the course of reasoning which I went through in valuing this property.

Q. It may be worth $10,000? A. That is my opinion of that, that it would be worth $10,000 per acre.

Q. Lot 30, in Block 60. A. That was a little piece of property at Warren Street. It was easy to be reached from Warren Street, and there on up into the center of Jersey City, and I said that that might be used to good advantage—

Q. For a milk station? A. Well, as a part of adjoining land or attached to adjoining land for manufacturing purposes and for commercial purposes, it might have a value of $25,000 per acre.

Q. Do you know the value of adjacent lands there? A. Well, the—I haven't any sales of property immediately adjacent to that.

Q. Have you— A. I appraised some property of the Causse Manufacturing Company and we afterwards sold the building I appraised there at a dollar twenty a square foot, and I put a good value on the

building. We afterwards sold the property at a considerably less valuation than I put on the land and building. And I have made inquiries regarding the values of lots in this general neighborhood, and I find that lots on different streets and blocks were valued at from, oh, $1,500, $2,000 to $2,500 per lot and I just considered that this property in here might be worth at the rate of about $25,000 which is at the rate of about 60 cents and which is about $1,500 a lot.

Q. From the inquiry that you made you reached the conclusion that lots, building lots in here were worth about $2,500? A. Not right here, but in that general neighborhood. On those different blocks we want to have a little different variation, and I considered the general surroundings of this property compared with the information that I gathered, and I said this is worth around $25,000 per acre.

Q. Who told you that the lots in there were worth any where from $1,500 to $2,500 an acre? A. Well, I received that information from various sources.

Q. Can you give us the names of any? A. Well, Mr. Percy Gaddis told me of some sales that had been made down there and Mr. Thomas Ryer gave me—a man in the Hillier Drug Company gave me some sales down in that neighborhood. I was doing a little work at one time for the Causse people and I received information at the time from the Causse people.

Q. Did you examine the properties that were involved in these sales which were given to you by Mr. Gaddis and Mr. Ryer? A. I took a walk down around through that section.

Q. You did? A. Yes.

Q. Lot 45c, in Block 2145, consisting of 25.673 acres. A. That is the land outside of the main stem contained in that yard.

Q. Is the source of your knowledge and your reasoning in arriving at your opinion the same in respect to this as it was in respect to the main—the previous parcel? A. Yes, they are treated in the same manner.

Q. Lot 45d, in Block 2145.

Mr. Bain: Will you repeat that question, please?

Q. (Question previous to last question read.) A. I understood you meant the previous parcel of this terminal, not of the piece on the Edgewater—at the milk station; I presumed you meant the main stem.

Q. Yes, this parcel here, Lot 30, in Block 60. A. No, the main stem, I understood, you—you see, we have gone back into that main stem on the terminal—by the Tide Water Basin.

Q. Well, you place the same value on part of 45c, in Block 2145, as you do upon Lot 30, in Block 60, isn't that so? A. Well, I didn't understand that. Let's have a correction of that question you asked about, would you place the same value.

Q. (Question read): "Is the source of your knowledge and your reasoning in arriving at your opinion the same in respect to this as it was in respect to the main—the previous parcel?" A. That happens to be so but—

Q. But there is no comparison— A. I didn't consider Lot 30 in Block 60 in arriving at my valuation of Parcel 45b, in Lot 2145.

Mr. Bain: Lot 45c.

The Witness: Well, I understood he just asked me about 45b.

Mr. Bain: Strike out what I said then. I thought he referred to 45c.

Q. Well, you put Lot 45c, in Block 2145, in the same class as Lot 43 in Block 2145? A. 45c was appraised the same as part of the main stem which runs through Parcel 45c, of Block 2145, with the exception that for a certain portion of the property at the center line of Jersey Avenue extended and comprising about five acres I placed a value of $12,500.

Mr. Bain: An acre?

The Witness: An acre.

Q. What is the distinguishing characteristics between the $12,500 per acre land and the $25,000 per acre land? A. Well, I looked at that property up there and it seemed to be just about up at the end of a mud flat, and it was a bad road to get into, and I said that isn't worth the same value as the property farther down on the navigable channel of that basin, and it isn't worth more than $10,000 per acre.

Q. You didn't take any sales of similar— A. I couldn't find any sales of exactly similar property, no, sir.

Q. Well, of substantially similar? A. No.

Q. 45d, 2145, I assume you put in the same class as Lot 42, in Block 2145? A. The same as—at the same rate as I appraised the main stem. It runs through that same place.

Q. And your source of knowledge and your reasoning as to valuation are the same in respect to Lot 42, in Block 2145? A. The trouble being—I only happen to have main stem in place of your lot numbers.

I appraised that at any rate in the same way in which I appraised the main stem in the same block.

Q. Now, will you tell us how you arrive at a valuation of $43,600 per acre, for Lots 38a and 45a, in Block 2145? A. That is merely a calculation. What I really did in that case was to appraise 30.534 acres at $55,000 per acre. There are included in the Parcel 45a, Block 2145, 7.846 acres of land in the channel to which—fee to which land I understand is owned by the railroad company but subject to easement to all abutting owners, and which carries with it an obligation on the part of the railroad company to keep the channel dredged for the benefit of abutting owners, and I reasoned that the fee in a case of that sort where it was subject to easement to other owners could have only a nominal value, but I placed a value of $55,000 upon the remaining portion of the property which is in fee and which can be used by the railroad company in such manner as it sees fit.

Q. That is the reason for arriving at that odd figure then? A. Yes. I was simply asked to make a calculation of how much per acre 38.38 acres would be if the total value is $1,679,370, and making the calculation I found that answer was $43,600.

Mr. Jess: Take a recess until eleven o'clock tomorrow.

A recess was here taken until Tuesday, January 10, 1922, at 11 o'clock.

Robert Huntley, Cross

Fourth Day.

Trenton, N. J., Tuesday, Jan. 10, 1922.

Present: Mr. Jess, Chairman; Mr. Margerum, Mr. Mutchler, Dr. Barber.

Appearances as before noted, with the exception that Mr. Wall was absent.

Case resumed pursuant to adjournment.

Mr. Jess: You may proceed, gentlemen.

Mr. Stout: Will Mr. Wall be here this morning?

Mr. Bain: No, he won't be here this morning.

Mr. Jess: Before we begin, is there any change, Mr. Bain?

Mr. Bain: I am waiting for a wire today; I will let you know later in the day.

ROBERT HUNTLEY resumes the stand:

Cross-examination continued by Mr. Stout:

Q. Mr. Huntley, referring to Lots 1b, 3b, 2a-b-c and 2d-e and 4b in Blocks 1500 and 1494, and Lot 4a in Block 1492, known as the Claremont Yard at Caven Point, will you tell us how you arrived at your valuation of $7,500 per acre of that piece of property? A. I made an examination of the property and I considered whatever information I could gather in that general neighborhood, and I decided that that was a fair valuation for that piece of property.

Q. Will you state generally the information that you gathered or acquired? A. I had the informa-

tion regarding the gathering of the large piece of the Lehigh Valley at an average price of about $7,800 per acre.

Q. You mean the Lehigh Valley property at Greenville? A. Yes.

Q. Yes; what other information did you have? A. And I had the information about the Packard sale over 22nd Street running out into the Constable Hook section. I knew of the sale of the property, of the Curry property to the Tide Water Oil Company and considered the general situation of this property and made up my mind that this property was worth $7,500 per acre.

Q. The so-called Packard sale and the so-called Lehigh Valley sale were of unimproved property, were they not? A. They were unimproved property; they were largely land under water.

Q. This is a piece of property on which you put a valuation of $7,500; it is improved property, is it not? A. Why, it is quite largely upland property.

Q. Well, it is available for use? A. It is available for use without, well, I think you would have to do some work on it but it is upland property as opposed to land under water.

Q. Isn't it in use at the present time? A. Well, a certain portion of it is in use; I didn't think all of it was in use.

Q. You didn't think so? A. No, but it can be, the property is in such shape there that it could be, that it can be used.

Q. What comparison did you make between the property sold by Mr. Curry to the Tide Water Oil and this particular piece of property known as the

Caven or the Claremont Yard, Caven Point? A. As I say, I had information that the property of Mr. Curry that was sold to the Tide Water Oil Company was a sale which was a sale at higher than the Tide Water Oil Company believed was a fair market price for the property but under—

Q. Just a minute; didn't I ask you what comparison you made? A. I am trying to tell you.

Q. You are now telling me something about the history of the Curry sale as you understand it? A. I am coming around to make the comparisons bye and bye.

Mr. Bain: You have to give the history to draw any comparison, if any comparison can be drawn; it is probable there cannot be any comparison.

Mr. Stout: I think, may it please the Board, that the comparison that I asked for, taking one piece of property irrespective of what was paid for it, and compare that with the property under consideration—

Mr. Jess: That is what the question calls for.

A. Well, the other property was property that was good solid upland and capable of carrying the weights of tanks, and this is largely upland that would carry industrial use, it would be all right for industrial uses.

Q. Would you say that the Curry property could be devoted to the same use as this Claremont Yard at Caven Point? A. Well, the Curry

property didn't have water frontage with it; I am simply speaking now of the—

Q. It could not be devoted to the same use? A. I don't think that it could.

Q. And the Curry property sold for $15,000 an acre? A. Yes.

Q. Who supplied you with this information? A. What information, of the Curry property?

Q. Well, about these sales that you testify to. A. I was told about the Curry property by one of the officers of the Tide Water Oil Company.

Q. And about the Packard sale? A. About the Packard sale, I knew of it generally and then I was furnished by information, with the correct information, I believe, on that by Mr. Gaddis.

Q. And the Curry—the Lehigh Valley sales? A. The Lehigh sales were compiled, given to me I believe by Mr. Ryer and confirmed by Mr. Van Duzer, of the Lehigh Valley.

Q. The Lehigh Valley property is largely, as you say, under water? A. The parcel, yes; that property is a great deal, the larger part of it is under water.

Q. And the Packard property is largely under water? A. That is a large piece of land under water, yes; considerable upland and along the shore front.

Q. And the Curry property is a piece of back upland? A. Yes, the land is separated from the water front by railroads.

Q. And considering all of those sales and your general knowledge of the value of water front property you arrived at this valuation of $7,500? A. I did; yes.

Q. Refer to Lot 3 in Block 1497, land outside Main Stem, National Storage Company from Caven Point Road to exterior line for piers, Jersey City. Your valuation of that property is of January 1, 1921, at the rate of $15,000 per acre? A. Yes.

Q. Will you tell us how you arrive at that valuation? A. I went down and looked over that property, found filled and improved land and bulkhead along the south side, a road frontage and railroad sidings in there, and I said, "That land is worth $15,000 per acre."

Q. What particular sales did you take into consideration in arriving at that valuation? A. I considered all the sales that I knew of down there, the same sales which I have mentioned, and I drew a conclusion from this that this improved land was worth at least $15,000, was worth $15,000 per acre. That was its fair value

Q. Your source of knowledge I assume is the same? A. Yes.

Q. Can you describe the physical characteristics of this piece of property? A. Why, the property as I say is filled land, is bulkheaded, has slips on the south side. There is a channel at the south side.

Q. You don't know of any improved shore front property of the kind and character of this property that has sold during the past fifteen years, well, say the last ten years at the rate of $15,000 an acre? A. I don't recall at the moment a parcel that would be really comparable to this property, improved, that has been sold at all.

Q. Now, we will refer to the properties of the Central Railroad System, Main Stem, Block 2145, described as terminal tract, 160 feet west of Van Vorst Street to the bulkhead line, Jersey City. Your valuation as of January 1, 1921, is $50,000 per acre? A. Yes.

Mr. Jess: How many acres?

Mr. Stout: Consisting of 5.464 acres.

Q. It is part of the Terminal Tract of the Central Railroad, is it not? A. Yes.

Q. Will you analyze your valuation? A. I considered all the sales which I could find in the neighborhood along the river front; considered the location of this property with relation to the main center in Jersey City; its means of approach, the general surroundings and with what information I had been able to gather regarding all the sales in the comprehensive study of the entire water front, I decided that the fair value for this property was $50,000 an acre.

Mr. Jess: What plot is that?

The Witness: This is just the section of the main stem adjoining the Lehigh Valley Terminal and as it is divided—

Mr. Stout: You mean the Central, don't you?

The Witness: I mean in that part of the Central property which adjoins the Lehigh Valley Terminal, the Tide Water basin. This is part of the Main Stem running from the bulkhead back to a point 160 feet west of Van Vorst Avenue.

Mr. Bain: That is the main terminal?

The Witness: That is the main terminal.

Q. What particular sales did you rely upon; in other words, which sales were the most helpful to you in arriving at the valuation of this property? A. I considered all of the sales on the river front, and I would make a comparison as between this property and the Pennsylvania main terminal and the Erie main terminal and the D. L. & W. main terminal and the West Shore main terminal as to location, and the—

Q. But you didn't— A. And the amount of ground and the type of water front and all the general surroundings of the property.

Q. Do you think that is an answer to my question? A. I did all of those things, therefore that is the best answer I can give you.

Q. I asked you what sales were the most helpful to you in arriving at the value of this particular piece of property. A. All of the sales which I have heretofore mentioned.

Q. You make all of them the particular ones? A. I make each one of them I considered, yes; I don't know that any one of them was considered as being more helpful than the others; I gained the general idea of the transactions on the water front and then made up my mind as to the values at different points, as testified to here.

Q. You used the sale of the American Coal Company to the International Elevating Company? A. I gave it consideration, yes, sir.

Q. Will you compare that property with this property of the Central Railroad?

Mr. Bain: In value or in physical condition?

Mr. Stout: Physical condition.

A. This property of the Central Railroad Company has a good deal more upland than the land of the American Coal Company and it has good water facilities, but it is across the tide water basin and not at all easily reached from the intensive center of Jersey City.

Q. Did you call this Hudson River front property or New York Bay?

Mr. Bain: Referring now to what property?

Mr. Stout: Property under consideration, the property of the Central Railroad.

A. I called it water front property without stopping to designate whether it was New York Bay or Hudson River; I considered it all as being contiguous line of property. If I were speaking of bay property I think I would ordinarily intend to go farther south down toward Constable Hook. This in its purposes and uses is, in the purpose of its use and its probable uses compares more with the Hudson River property than property much lower down the bay.

Q. Do you consider property located on the Hudson River in this locality or neighborhood more valuable than similar property on New York Bay? A. Well, I don't know of any similar property just for the moment.

Q. I am asking you as a general proposition.

Mr. Bain: I object to the question. If there is no similar property on New York Bay how could such a comparison be made.

A. I will answer it. I have considered that the property further up on the Hudson River, say at the foot of Exchange Place in Jersey City as being of very considerably higher value than this property; I have considered the property on the Hudson River at the Erie terminal was of greater value than this property and I have considered property on the Hudson River at the D. L. & W. terminal as of considerably greater value than this property.

Q. How do you compare this property, or rather what is your comparison between this property of the Central Railroad and the West Shore? A. I have considered that this property was a little more valuable that the property of the West Shore.

Q. What is your basis? A. The nearness of this property to the intensive development of Jersey City and its nearness to the lower part of Manhattan, and its nearness to the entrance into New York Bay. All those things entered into my calculations.

Q. And that in your opinion would amount to about $5,000 an acre? A. That is the difference which I made between the Weehawken property and this property.

Q. You can't point out then any one sale which was more helpful to you than any other in arriving at the value of this particular piece of property of the Central? A. No.

Q. Considered them all? A. Yes.

Q. Make your deductions? A. Yes.

Q. Take the next parcel here under consideration of the Central Railroad in the same block known as the terminal tract, 160 feet west of Van Vorst Street to the center line of Jersey Avenue extended, Jer-

sey City, on which you put a valuation of January 1, 1921, of $20,000 per acre. How is that property situated in respect to the parcel that you have just been testifying to? A. It is contiguous to it, adjoins it.

Q. Is it to the rear? A. It is to the rear.

Q. You considered it shore front property or back land? A. I consider it as being separated from the shore front. I allowed in my mind these situations, that it was a part of one large parcel devoted to railroad uses.

Q. It is a continuous piece of property, isn't it? A. Yes; the divisions made are purely artificial.

Q. No physical separation? A. I couldn't find myself any physical separation in the property as being used.

Q. You do recognize, do you not, Mr. Huntley, that there is such a thing as shore front property as distinguished from back land property or interior land? A. Oh, yes.

Q. Do you recognize that if a certain piece of property is in the ownership of a railroad which fronts on a river or bay extends several hundred feet running into miles, that a portion of it might be back land or interior land? A. Oh, yes.

Q. But you have no scale or yardstick by which you determine how much of it would be shore front property and how much of it would be interior or back land? A. No.

Q. And you don't designate this piece which is back of the parcel that you have just testified to as back land? A. It is back land but connected with water front and as—

Q. Would sales of back land property or sales of shore front property be more helpful to you in arriving at the value of this piece now under consideration? A. Oh, I consider both back land and shore front.

Q. If the property was in ownership other than the railroad you wouldn't consider shore front property, the value, rather, of shore front as any criterion in determining the value of it, would you? A. Oh, I would give it some consideration, if it were in the ownership of someone other than the railroad company I should expect to find a little different development around it; I wouldn't expect to find land which might be interior land without ingress or egress except over other people's land.

Mr. Jess: I want to ask you right there, Mr. Huntley, wouldn't the value of that land which would in a separate ownership depend largely upon the fact of whether it was land that would be desirable for the shore front owner to possess—what I am getting at is this, assuming that there will be a difference in value necessarily between back land and shore front property, wouldn't you in appraising your value of the so-called back land consider, whether there was the possibility that the shore front owner might wish to acquire that for his purposes?

The Witness: Yes.

Mr. Jess: Put it in another way; doesn't back land have an added value because of its availability for use as part of shore front property?

The Witness: It does within reasonable limits; I am inclined to think myself that when you get 2,000 or 2,500 feet away from the pierhead line the necessity for the back land in connection with the straight shore front usages is not a very great element of added value, but in dealing with a large tract of this sort one must take into consideration that the back land of itself, shut off as it is, would be away from most good egress and ingress, would not have the same value as land in adjacent sections where streets had been made and street improvements put in. Now, I find this entire tract devoted to one purpose of railroad use, and I simply studied that situation over and decided that that was a right value for this particular piece of property.

Q. Did you consider that this property is devoted to the most intense use within reasonable contemplation?

Mr. Bain: I object to that, if the Board please.

Mr. Jess: What is your ground?

Mr. Bain: How can anybody tell whether a property is without stating what other uses, most intense use within reasonable contemplation?

Mr. Jess: What is meant by the most intense use?

Mr. Stout: Most profitable use. Could this property be put on the market and obtain a higher price for it to be sold for some other use than the one just at present being used?

Mr. Bain: I take it, then, the question is whether the property is used for its best use?

Mr. Stout: Yes.

Mr. Jess: Yes.

Mr. Bain: I submit that would be an almost impossible question for anyone to answer.

Mr. Stout: I think that is what an expert has got to know.

Mr. Jess: That is allowed.

A. In its present condition I think it is used for the purpose for which it is fully as valuable as for any other purpose that I can think of at the moment.

Q. Now, Mr. Huntley, will you tell us how you arrive at a valuation of this back land $30,000 less than the shore front of the same piece of property? A. I considered this piece of property in its relation to all the surrounding territory, its distance away from the pierhead line, and I decided that $20,000 per acre was a fair valuation to place upon it.

Q. You can't give us anything more definite than that on which you base your opinion? A. I don't know of a sale of a piece of property of this size in the center of a railroad yard.

Q. You don't know, do you, Mr. Huntley, of a sale of two similar pieces of property on the shore front?

Mr. Bain: We are not referring to property on the shore front now; you are referring to property back of the shore front.

Mr. Stout: I don't have to stick to that.

Mr. Bain: He is asking for two sales of similar property on the shore front. The property under consideration is not on the shore front.

(Question repeated.)

Mr. Stout: I think that is a proper question.

Mr. Bain: Similar to what?

Mr. Stout: Similar to each other.

Mr. Bain: That is a different question. I thought you were referring to the property under consideration.

Mr. Stout: No, no.

A. Not two parcels exactly similar.

Q. That is impossible? A. Well, I don't like to admit anything is impossible, but it is quite improbable you would find any two sales exactly similar, of property which was exactly similar.

Q. That is the reason why you throw them out as because you can't find on the shore front of Jersey two pieces of similar property?

Mr. Bain: Just a moment, the question is objected to on the ground it assumes a fact not proved. Mr. Stout inserted in his question that the witness threw sales out. That is not so. The testimony all along was the witness considered sales, he didn't throw out any. I object to the form of the question.

Mr. Jess: The objection is sustained.

Q. Put it this way, then: The reason why you cannot use sales as a standard of value is because

there are no sales of similar property? A. I don't know of a sale of property—

Mr. Jess: Read the question.

(Question repeated.)

Mr. Jess: He has not said he could not use sales; he has distinctly said he has used sales, allowing, making deductions.

Mr. Stout: Yes, making deductions, but I think that the gist of his testimony is that he could not use a sale as a standard of value because there is no other piece of property just like it. If we had sales of two city lots both on the same street, both having the same advantages, the sale of one, the fair market value would be a standard to determine the value of any other.

Mr. Stallman: That is a single sale.

Mr. Stout: Yes, or a number of them. I just want to test his source of reasoning as to why he excludes these sales.

Mr. Jess: That is just the point.

Mr. Stout: I don't mean excludes them; I mean, he considers them and does not use them as a standard because he cannot make the comparison.

Mr. Bain: I think Mr. Stout fails to distinguish between sales for the purpose of exact comparison and for the purpose of general information.

Mr. Stout: I am getting at this exact comparison, that is what I am trying to get at.

Mr. Jess: The only point of the ruling was that he didn't want it to appear that the witness was conceding that he ignored sales.

Mr. Stout: I don't want it to so appear.

Mr. Jess: If the question is framed so as to make that perfectly clear he ought to have the benefit of his testimony that he has considered all sales, but that he in most cases has not considered them as conclusive.

Mr. Bain: May I ask to have that last question read? Perhaps it is perfectly plain.

Mr. Jess: Suppose you reframe your question and save time, perhaps.

Q. Is it not a fact, Mr. Huntley, that you cannot use the sale or sales of shore front property as an exact standard of value because there are no similar pieces of property on the shore front? A. Well, I don't know how I am going to answer that in reference to a question of interior land.

Q. I mean in reference to shore front land. A. Why, I do use all the sales that I can find on the shore front.

Mr. Jess: No, just read the question.

(Question repeated.)

A. As an exact standard of value I don't think that I can use a single sale for comparison with property because two properties are practically never similar in every point.

Q. By reason of the dissimilarity of property located on the Jersey shore front would you say that any of the properties have equal values?

Mr. Bain: Referring now to any properties along the shore front?

Mr. Stout: Yes.

A. Why, I think I have already stated that I appraised the yard of the D., L. & W. and the yard of the Erie at the same value.

Q. But they were dissimilar, were they not, in your opinion? A. They were dissimilar, of course, and still they were fairly close together and taking the general conformity of the land and the surroundings they were near enough alike to have a very considerable amount of similarity.

Q. Now, then, coming back to this former question, will you tell us just how you arrived at the $30,000 less value of the back land of the main stem of the Central Railroad?

Mr. Bain: Terminal?

Q. Main stem terminal, yes. A. I found this entire property being used for certain purposes and a division made for purposes of taxation, and I tried to follow that, and it seemed to me that that land, 2,000 feet about away from—I think that is nearly 3,000, 2,500 feet or more back from the pierhead line—

Q. How many feet back? A. 2,500 feet or more.

Q. Did you put that line there arbitrarily or is that the way it is given to you by others? A. I had a survey which shows that the beginning of this second parcel is back 2,356 feet from the bulkhead line, and then there is land beyond that, up to, extending further out than that to the pierhead line, which does not show on this survey.

New Jersey State Library

Q. If this main stem terminal property of the Central Railroad Company had been submitted to you without any indication as to division would you have divided it the same as it is divided? A. I am not sure; I didn't attempt to place my wisdom above the wisdom of the Tax Board.

Q. You think then that the wisdom of the State Board should prevail over your wisdom?

Mr. Bain: I object to that.

Mr. Jess: There is no dispute about that.

Q. Well, now, Mr. Huntley, I don't think you have answered my question. I am asking you if the property hadn't been so divided would you have divided it the same? A. I couldn't answer.

Q. Couldn't answer? A. No.

Q. Could you say that if that line was drawn at some other point than where it is drawn that you might not include more of this property in the $20,000 an acre than you have?

Mr. Bain: I object to that question, if the Board please; we are called upon to value certain parcels of land as assessed. What difference does it make—

Mr. Jess: I think, Mr. Bain, that is proper cross-examination.

A. I couldn't answer that question; I am not prepared.

Q. You did take into consideration, though, did you not, Mr. Huntley, that this was one continuous piece of property— A. I did.

Q. —in arriving at the value of the back land part of this main stem? A. I did.

Q. You cannot tell, can you, how much you added by reason of its being in one parcel? A. No.

Q. Did you know any sales of back land property similarly located and similarly situated? A. No, I did not.

Q. You didn't use any back land sales, did you, in arriving at this valuation? A. Couldn't find any sales of back land similarly situated.

Q. What lands helped you the most or the value of what lands helped you the most in arriving at the value of this back land here under consideration? A. Why, I don't know that I had any sales that were really very helpful; it was my general knowledge of lands used for industrial purposes throughout Jersey City and throughout Newark and surrounding territory, and I considered that this property was being used intensively in a railroad yard, was probably being used as well as it could be, and I said that industrial lands generally that I know of were in any large parcels in and about Jersey City and Newark reached about their highest general sale possibilities at around $20,000 per acre.

Q. That you think is the average highest valuation for industrial property? A. Well, that is about as high as we have property listed and attempted to go out and sell it for manufacturing and industrial purposes. Most of our sales are made at prices very much less than that.

Q. You consider, did you, Mr. Huntley, that if this property had been on the market on January 1, 1921, and the Central Railroad Company willing to sell it but not required to sell it they could find a purchaser for industrial uses who didn't have to buy it, but was willing to buy it, that $20,000 would be

the selling price? A. That, of course, assumes now that it would be delivered in such shape as it could be used by someone else?

Q. Yes. A. In that case I think $20,000 would be the limit of price which might be obtained for it, full high value.

Q. And if other property in that immediate neighborhood sold for four or five times that price that wouldn't influence you in any way in arriving at the value of this particular piece of property as of January 1, 1921? A. I don't know of any similarly located property in that immediate vicinity.

Q. If that were the fact would it? A. Oh, it might; if I found a number of sales of exactly similar property I think it would affect my judgment; I would surely give it consideration.

Q. You mean substantially similar, don't you, you don't mean exactly similar? A. Substantially similar property.

Q. Now, we will go to the next parcel of the Central Railroad Company, main stem, beginning to Highway, Bayonne, so described, consisting of 7.504 acres—

Mr. Bain: Part of the Constable Hook land?

Mr. Stout: Yes. We will leave those Bayonne pieces for the present.

Q. Will you refer to the terminal tract of the Central Railroad described as 160 feet west of Van Vorst Street to the pierhead line, Jersey City, consisting of 97.063 acres?

Mr. Bain: We have been all over that.

The Witness: No.

Mr. Bain: Wasn't that the first thing you took up?

The Witness: No, we took main stem running through this.

Q. (Continuing.) On which you placed a valuation as of January 1, 1921, of $60,000 per acre? A. $50,000.

Q. What? A. $50,000 per acre.

Q. It is $60,000 here.

Mr. Bain: He testified to $50,000. It must be a typographical error in the statement you have there.

Q. And that would change your total result, would it? A. No, the amount is $4,853,150.

Mr. Bain: Mr. Stout is merely quibbling; the extension is right in the schedule that he has.

Q. You placed that at the same value as the main stem terminal tract, which you testified to a moment ago? A. Yes.

Q. And I assume that your source of knowledge and reasoning as to arriving at valuation are the same? A. Yes; of course, I considered the main stem in this land here, that is outside of the main stem in that particular tract, as being of the same value.

Q. You consider that the property included in this terminal yard of the Central Railroad has an equal value throughout, or do you consider that a portion of it might be cut off as you did in respect to the main stem?

Mr. Bain: I object to that question. The witness didn't cut off anything in respect to main stem.

Mr. Stout: He didn't cut it off, but I mean as he appraised it.

A. Why, I appraised this entire terminal according to the divisions which were made here by the Tax Board.

Q. You consider it all shore front property? A. This particular piece 97 acres, yes.

Q. Yet, all the main stem which you testified to you considered part of that back land? A. Oh, no, I didn't, not in the same zone. This piece of property is only extended back from the water front to a point about 160 feet west of Van Vorst Street if same were produced. That seems to have been the division decided upon by the Tax Board.

Q. What is the depth of this main yard terminal, 160 feet? A. What?

Q. What is the depth of this terminal tract?

Mr. Bain: From what?

Mr. Stout: On the shore front.

Mr. Bain: Bulkhead or pierhead?

Mr. Stout: Bulkhead.

A. On the south line it is 2,100 feet plus, and on the—from the bulkhead, did you say?

Q. Yes, from the bulkhead? A. I haven't that; I have figures from the pierhead.

Q. All right, give us the pierhead then. A. And on the north line 2,855 feet.

Q. Referring now to Lot 48d, in Block 2145, described as Phillip Street— A. There are one or two more pieces here. Do you want to finish with the main yard?

Q. Yes, we want to finish with the main yard. A. Let me see, directly back on that map is a piece 28.718 acres.

Q. Land outside of main stem, Block 2145, south of main stem, 160 feet west of Van Vorst Street to Jersey Avenue, Jersey City. A. And that I appraised at $20,000 per acre.

Q. And you placed the same value on this parcel as you did upon the main stem adjoining and used the same sources of knowledge and reasoning in arriving at your valuation? A. I did.

Q. There is another piece there, Mr. Huntley, land outside of main stem in Block 2145, described north of main stem 160 feet west of Van Vorst Street to Jersey Avenue, Jersey City. A. Appraised at $20,000 per acre, the same as the part of the main stem in that zone and the land to the south of the main stem.

Q. Same sources of knowledge? A. Same sources of knowledge? Same sources of knowledge.

Q. And same application? A. Appraised in the same way. I think you didn't let me testify anything about the roundhouse piece back there.

Q. No. A. That takes all of the main yard.

Q. You testified to that on direct-examination, didn't you? A. No, I think you said you wouldn't allow me to do that.

Mr. Bain: That is third class.

Mr. Stout: Oh, I see.

The Witness: Now, we have two or three pieces.

Q. Here is a small lot, Lot 8 in Block 2048, described as center line, Jersey Avenue, extending to National Docks Branch, Lehigh Valley, Jersey City, consisting of 3.120 acres; you put a valuation of $10,000 an acre on it as of January 1, 1921. Tell us how you arrived at that valuation? A. I looked at

that piece of land, considered its general location there, didn't find sales of exactly similar property, but from its location and my general knowledge of industrial lands I said that is worth $10,000 an acre.

Q. You say your general knowledge of industrial land at that point would be $10,000 an acre while the main stem, which is in close proximity to it, is $20,000 an acre? A. Well, this particular little piece of land I thought was worth $10,000.

Q. Didn't use any sales of back land, but just relied upon your general knowledge as a real estate expert? A. Of course, I made inquiries regarding sales of land in the general neighborhood, but I found nothing that was exactly similar to this, it would have to make a good many extensions in making the comparison, and so I said this property is worth so much money per acre.

Q. That would be, would it not, Mr. Huntley, somewhere around $600 a building lot 25 by 100? A. At $10,000 an acre?

Q. Yes.

Mr. Bain: It depends on how many lots you take to the acre; some take twelve and some take seventeen.

Q. Seventeen lots to the acre. A. No; if you divided that into building lots and gave it street frontages you have about twelve lots to the acre.

Q. That would make about $800 a lot, wouldn't it? A. That would make in the neighborhood of $800 per lot.

Q. You don't know of any lots in that locality in Jersey City that have sold as low as $800?

Mr. Bain: The question is objected to on the ground the witness is not called upon to value lots.

Mr. Stout: I am showing the source of his knowledge whether he knows of any such sales.

Mr. Bain: It appears to be an attempt to compare this property with property broken up into building lots; it is not a proper comparison under the legal rule.

Mr. Stout: The Court will apply the rule.

Mr. Jess: Is the question as to similar property?

Mr. Stout: Yes, lots in that neighborhood.

Mr. Bain: He is asking for any lots having street frontage and street access selling for $800 a lot. That is entirely immaterial so far as the value of this particular property is concerned, no comparison whatever.

Mr. Stout: I am only getting at the source of his knowledge. Use it the way you see fit.

A. I think, I have been informed of some lots lying in the general neighborhood of Pacific Street and the Central Railroad of New Jersey Branch, lots in back there that have been sold at about $800 apiece.

Q. That is a good ways from this property, isn't it, Mr. Huntley? A. Yes.

Q. You didn't use those, did you? A. I gave them very little consideration; no.

Q. You relied upon your knowledge as a real estate expert in arriving at this $10,000 an acre rather

than upon sales of similar property, did you not, Mr. Huntley? A. Yes; I couldn't find sales of property that were similar to this so I relied upon my general experience in the matter of studying values of industrial properties.

Q. And as to Lot "S" in Block 2148, consisting of 19.611 acres, you valued that at $10,000 an acre, using the same source of knowledge? A. Same general process of reasoning, yes.

Q. Does that also apply to Lot 22d in Block 2154, southeast of Phillip Street, foot of Communipaw Avenue, 5.610 acres which you valued at $10,000 an acre? A. Yes.

Q. And so, in respect to Lots 25a and 25d in 2145, Jersey Avenue, if extended south of Morris Canal? A. Yes.

Q. Now, as to the Port Johnston tract? A. There is one more piece in this tract if you care to take it, Mr. Stout. I think there were two tracts, let me see, three tracts.

Q. Yes, let us go to Lot 48d in Block 2145, described as Phillip Street to pierhead line, New York Bay, Jersey City, consisting of 71.30 acres, valued at $20,000 an acre, south of the terminal yard? A. Yes.

Q. It is part of the terminal yard, and you used the same source of knowledge and applied the same reasoning as you did in respect to the main stem property adjoining? A. Yes.

Q. How can you say, Mr. Huntley, that this property known as Lot 48d in Block 2145 is only worth $20,000 an acre when land down in Bayonne on New York Bay, unimproved, sold for $19,000 an acre?

Mr. Bain: Objected to on the ground there is no proof of any sale of land on New York Bay, Constable Hook, for $19,000.

Mr. Jess: Objection sustained.

Mr. Stout: I guess that is right.

Q. You don't know of that sale, do you, Mr. Huntley? A. No.

Q. And didn't consider it? A. No, didn't consider what I didn't know.

Q. I see. I thought you said yesterday that you did know something about that sale, that you had heard of it? A. What sale is that?

Q. Sale of the Lehigh to the Standard Oil.

Mr. Bain: He is constantly referring to the sale; I don't think there is any evidence of it.

Mr. Stout: I am asking him about a sale that has been referred to. We will prove it later.

Mr. Bain: He may know about the transaction regarding the property.

Q. Mr. Huntley, have you heard of a sale of property of the Lehigh Valley to the Standard Oil in 1921 down in Bayonne? A. I have heard that there was such a transaction of some sort, but the matter, that there was no record of it, and I have not information that would make anything clear to me.

Q. You didn't think it was worth while to ascertain from the Lehigh Valley the facts pertaining to that sale? A. I did make inquiries and they told me they were not settled, and it could not be decided, that the information was not anything that anybody could use.

Q. Did they tell you whether a contract had been made or not? A. I think they said that there had been some agreement; yes, sir.

Q. And you didn't think it was necessary to ask what the consideration in the contract was? A. When a man tells me that there are certain matters involved in there that cannot be tangible considerations I couldn't attempt to separate them.

Q. In other words, the Lehigh Valley represented to you that that sale or that transaction was in such shape that it would not be of any assistance to you? A. That is right, it would not be; I looked at the property myself without knowing about the sale at the moment, and I don't know now just what it is all about, so I couldn't tell you.

Q. Did you also make inquiry of the New York Central Railroad as to the lease of the property to the Cunard people? A. Did I make inquiries about it?

Q. Yes. A. No, I didn't.

Q. You didn't? A. No.

Q. You didn't think it was worth while to consider that? A. I didn't see that there was going to be any great amount of value to me in the study of that lease.

Q. You do recognize that the fair annual rental of property is an element to be considered in arriving at the value of property, do you not?

Mr. Bain: I object to that; if Mr. Stout is asking for a legal rule on the subject I think the legal rule is that the rental value of one property cannot be used for the purpose of determining the value of some other property.

Mr. Jess: Well, I am not clear about that. If there is any authority on that I would like to know it.

Mr. Bain: I think I can give you some authorities, I haven't them this moment, but that is my impression.

Mr. Stout: I think in the Long Dock case the Court said, "The yearly rental of the premises also may be taken into consideration as an element in the ascertainment of the true value."

Mr. Bain: That is of the particular property.

Mr. Stout: Yes.

Mr. Bain: But the rental of another property cannot be taken into consideration.

Mr. Stout: I am not talking about that.

Mr. Bain: I think your question is directed to the rental of some other property.

Mr. Stout: No.

Mr. Jess: I thought it was, Mr. Stout.

Mr. Stout: What I want to find out from Mr. Huntley is whether he considers the rental, fair yearly rental of a piece of property as an element to be considered in arriving at the value of that particular piece of property.

Mr. Bain: That question is not objectionable.

The Witness: I frequently do, yes.

Q. And yet you don't think it was worth while to ascertain any information in respect to this lease under consideration, I mean referred to?

Mr. Bain: That is the particular question I objected to now.

Mr. Stallman: All property is not under review.

Mr. Stout: I know it is not under review. I think the effect of this decision is this, if we may use the sales of substantially similar property in arriving at the market value of that particular piece of property and where there are no sales, then we may use other or take into consideration other elements, such as the rental value, and if in that way we can arrive at the value of that particular piece of property or help in arriving at the value then having arrived at that valuation why can't we take that value and use it as a standard arriving at the value of a similar or substantially similar piece of property?

Mr. Bain: All I can do is to repeat my objection on the legal ground that the evidence of the rental value of one piece of property is not evidence of the market value of another piece of property.

Mr. Jess: You say there has been a decision on that?

Mr. Bain: I can't say the decision is in this state, but there is a rule to that effect, and a reasonable rule, Mr. Jess.

Mr. Jess: I should think that would be entirely a reasonable rule. I sustain the objection.

Mr. Stout: I am not saying, Mr. Jess, that rental is a criterion of value.

Mr. Jess: No.

Mr. Stout: But I say that it is an element which we must all recognize is a very important element in arriving at the value of a piece of property.

Mr. Jess: That is true.

Mr. Stout: It is practically the standard—

Mr. Jess: Absolutely, when you are considering a particular piece of property, but I think if you extend that and then say the rental of one property is an indication of the market value of a similar property that you are going a little too far because it would be of no value unless all the facts, all the conditions were taken into account, the particular condition of the property, what there was on it, what it was used for and everything else; you would go so far afield it would be of no substantial value.

Mr. Stout: Would you say that would apply as to a sale, would you have to consider all of those things?

Mr. Jess: Not to the same extent, no.

Mr. Stout: I won't press it any farther.

Q. Now, Mr. Huntley, will you refer to Lot 22g in Block 2154, Phillip Street Branch, to pierhead line, New York Bay, Jersey City, consisting of 84.724 acres valued at $15,000 an acre? A. Yes.

Q. What is your reason for putting $15,000 on that while on the adjoining piece to the north you put $20,000? A. Getting a little further away from the intensive value of Jersey City and the peculiar shape of the piece of property.

Q. In other words, shape here is a big item, is it in value? A. Well, it is a peculiarly divided piece of property taking in the large amount of that rear land over the other parcels.

Mr. Jess: Where is it on the map?

The Witness: This piece right here (indicating).

Mr. Jess: Oh, yes, Block 2154; and the one that you placed $20,000 on?

The Witness: Is that piece there (indicating).

Q. This property has practically the same depth, has it not, as the adjoining piece of property on which you put $20,000 an acre? A. Oh, yes, particularly on the north line and south line, it has a curved line of very much greater dimension than the other piece.

Q. If this property were not divided as submitted to you would you then make a deduction in value by reason of shape? A. I don't know; I would have to see the division of the property, I can't tell you.

Q. Mr. Huntley, do you recognize that a certain article has a certain value, that if you take a portion of that article that the portion which you take would have a valuation in relation to the whole? A. Oh, well, now, that is one of those questions—suppose that you had a very artistic piece of jewelry and you took the gem out of it, you don't imagine that the gem sold separately from the artistic setting, a combination of the two would bring the same as the entirety?

Q. Why do you want to take such an example? A. You said articles; let us go down to land and I will talk land, but articles—I don't wish to quibble.

By Mr. Jess:

Q. Let us get right down to this particular piece; I do think that has a great deal of importance in this case, Mr. Huntley; here is a line that divides these two parcels of property, a line on the map? A. Right.

Q. You have examined the property, haven't you? A. I have.

Q. Is there any actual line of demarcation or division between these two parcels on the ground? A. There is none that I could find.

Q. Nothing at all? A. No.

Q. In other words, if you didn't know that line was there you wouldn't have any reason to distinguish between any parts of this parcel you would treat it as a whole? A. I would consider one thing in regard to this, if we were going to separate I would give consideration to the fact that is back of Ellis Island in there.

Q. All right, that is what I want to get at. A. But the question of this, I am asked to appraise here property which has been actually separated by artificial lines.

Q. For purposes of assessment, we will say. A. Yes, whatever they are, I am asked to take that large whole and follow these arbitrary divisions. As a real estate man I wouldn't say that that piece of property running up in there had the same value per acre as that piece in there (indicating).

Q. All right, now as a real estate man, as an expert, suppose that line were not there, what would

be your method of appraising that particular parcel of property? A. It is my opinion I would take those two parcels; for instance, if we take these two parcels—

Mr. Bain: Refer to the parcels by number so the record will show.

A. (Continued.) Let me see, you are going to confine me to these two pieces?

Q. Yes. A. There is a piece here (indicating).

Q. You can explain that, Mr. Huntley, because they may have some bearing on it. A. I would be inclined for myself to consider, just as a real estate man, a parcel containing 71.30 acres, the next parcel to the south containing 84.724 acres and the next parcel to the south containing 91.219 acres as making a quite rectangular parcel containing, having approximately the same shore front as it would have at the rear.

Q. Then, what would be your method of appraising the value of that parcel described as you have laid it out?

Mr. Bain: May I call to your attention, Mr. Jess, that I think that parcel containing ninety-one and a fraction acres is not used for railroad purposes, it is third-class property.

Mr. Stout: It is all in the same ownership; we don't care about that, that doesn't add or subtract anything from it.

Mr. Bain: It is assessed in a different way.

Mr. Stout: We are getting a value.

Mr. Jess: I didn't suggest that that was Mr. Huntley's way of describing it.

Mr. Bain: I want you to bear in mind whether you can lump together two different parcels of property, one used for railroad purposes and one not used, and consider them as a whole.

Mr. Jess: That being the case, I don't think we ought to do that, I think we ought to be limited to these two parcels in this inquiry, Mr. Huntley.

Mr. Stout: Don't you think it doesn't make any difference whether it is devoted to railroad uses or whether it is property owned by the railroad not used for railroad purposes?

Mr. Jess: The expert may have some different view of it.

Mr. Stout: Mr. Bain is referring to a matter of assessment rather than value of property; you can't tell by looking at it whether it would be used for railroad purposes or not, it all looks the same.

Mr. Jess: I don't wish to prolong this, but it is quite important.

Mr. Stout: I think it is very important.

Mr. Jess: And here the witness in this case, and, of course, in other cases, has taken two parcels of property that were contiguous, immediately adjoining the other, with no physical division and gives a higher value to one portion of the tract than he gives to the other, and what I am trying to get at is whether he would arrive at the same conclusion if he had disregarded that line or whether he thinks there are elements of value which give to one por-

tion of the tract regardless of the artificial division a higher or lower value than the other portion.

The Witness: In my opinion if you will take now this Block 2145, Lot 48d, containing 71.30 acres and take Block 2154, Lot 22g containing 84.724 acres and consider that as one plot, I would probably say that was worth around $17,500 for the entire area.

Q. All of it. Is your judgment as to that. Mr. Huntley, influenced by the fact that you have already given an appraisement of $15,000 in one case and $20,000 in the other? A. No, I thought something about that same situation, if I were considering the entire yard because I in the first place would look at that property if I were looking at it on the water front as being one large tract, I recognized these are artificial divisions. I can realize this, that I wouldn't give as high a value for a piece of property back of Ellis Island as I might out there with clear waterway, and I can realize coming up this other land if I had land under water and the water front not dredged out and not a mere channel and this next that I wouldn't give it the same value as I would better land, but I, of course, would look at this yard in a large way.

Q. You do look at it in a large way? A. I do look at it in a large way.

Q. For a sample, take the entire tract that is marked here Central Railroad Company of New Jersey, assuming that that is one parcel, as it is not, but I am simply asking you to assume that, and used for the same purpose, but I ask you to assume it is

one parcel of land all used for the same purpose with no artificial markings or divisions whatever, now in seeking to arrive at the value of that, of course, you would consider it as a whole, wouldn't you? A. Yes, I would.

Q. But you would also take into consideration that a certain portion of the tract is nearer, for instance, to the more intensive development? A. Yes, I would.

Q. And you would probably say that portion treated as a separate portion has a higher value? A. Yes, certainly there is certain areas there that would be more valuable than certain other areas of that large tract.

Q. But you were in making your appraisal, you were given this map showing these lines and divisions and you were asked to appraise each parcel separately, weren't you? A. I was, yes, sir; told that was what was required of me.

Mr. Jess: Mr. Stout, you can see the difficulty of the witness in having been asked to do that in that way, of course, to come here and be asked to give an opinion as to an entire tract without any division.

Mr. Stout: I realize that.

Mr. Jess: It may be somewhat embarrassing to him to do that.

Mr. Stout: But I do think that a witness ought not to be put in the position whereby he depreciates the value of the several parts that go to make up the whole by reason of the fact that some arbitrary lines have been drawn.

Mr. Bain: He has not said that he did that.

Mr. Stout: I think the record might be to the contrary.

By Mr. Stout:

Q. Mr. Huntley, did you place the same valuations on Lot 22g in Block 2154 as you would have placed upon it had you considered it a part of the whole, the terminal here of the Central Railroad, without any artificial lines?

Mr. Bain: Of course, that is the question Mr. Jess said would be embarrassing.

Mr. Stout: I don't think that ought to be difficult, he is an expert.

Mr. Jess: Yes, he may answer that.

Mr. Bain: I understood the witness to say in answer to a question of Mr. Jess's if he was called upon to value several of these parcels together instead of separating them he would give the whole a value somewhat lower than the highest value he placed on any of the parcels and somewhat higher than the lowest value he placed on any of the parcels. Now, the question is, if he valued any one of the parcels as a part of the whole he would place a higher or lower value on that particular parcel than he did upon some adjoining parcel. Obviously that is not fair in considering the other answer that the witness gave.

Mr. Jess: Well, the witness necessarily has made an examination of the entire property; while he appraised it in separate parcels he must have some knowledge of the situation as a whole and I think this cross-examination is proper. The answer is within the control of the witness, of course.

Mr. Bain: May I ask the question be read so that it will be clear.

(Question repeated.)

A. The answer would be this, that in considering this entire terminal as one parcel the value of Lot 22g would be merged into the value of the whole and there would not be any Lot 22g, the value of Lot 22g would become its proportionate portion of the value of the whole.

Q. You can't tell whether that would mean a higher or a lower value, can you? A. No, I haven't done it and I am not prepared to answer.

Q. Now, referring to part of 22j in Block 2154, Phillip Street to pierhead line, New York Bay, Jersey City, consisting of 96.049 acres, on which you put a valuation as of January 1, 1921, of $17,500 an acre. You consider that property more valuable than the tract known as 22g in Block 2154? A. Yes.

Mr. Jess: I want to interrupt here, Mr. Stout, I am a little disturbed about this question that has arisen here as to cross-examination of the witness with reference to the consideration of these parcels as a whole. I think that perhaps for our purposes, and that in any event the state ought to be bound, whether these are artificial or other divisions, the state has assessed this property in a certain way in certain parcels, and this witness has been asked to make an examination of the property as assessed and within certain boundaries, and I think we are bound by that division, and I think as far as we ought to go is to perhaps in any case ask the witness whether he would

have placed any different value if he had considered the property as not being thus artificially divided.

Mr. Stout: Don't you think, Mr. Jess, that the state would have a right to have considered on review by a Court as to whether the State Board property divided this land to arrive at the highest value or the market value of the property, don't you think that would be a consideration?

Mr. Jess: I doubt if they would, for this reason, it developed just here a moment ago that when the witness was asked to consider the tract as a whole a part of that tract was not property valued by this Board, but was valued locally in Hudson County by Jersey City, and that therefore I doubt very much whether the Court would not say we were held to the divisions of the land that we had made ourselves, the state itself had made, and my other reason for that feeling is that it gives the Board very little help to have the opinion of a witness who is called here to express his judgment as to the value of parcels of property divided in a certain way and then is asked to offhandedly make an appraisal of the value of a much larger tract. I think we are on surer ground if we limit the examination of the witness to the parcels that he has appraised and the way they have been assessed by the state.

Mr. Focht calls my attention to another thing, and that is the fact that these divisions are not altogether arbitrary, they are divisions that have been made in accordance with the

development of the land, as the land has come from third-class to second-class and first-class use.

Mr. Stout: I would like to say for the record that it seems to me it is immaterial who is the owner of this property and how it is assessed if a certain tract is in a certain ownership, no division of the land, whether it be arbitrary or whether it is according to precedent should in any way affect the true market value of the property, I can't see the fact that some of it is second-class property and some of it is third-class property—it is going to be valued by the same standards, and if it all can be applied to the same use it has the same potentiality, I don't think it makes any difference whether it is second-class or third-class property, and when our witnesses go on the stand I am assuming they are going to testify when it comes to this question they will put a valuation upon a certain tract in common ownership and then apply to the particular parcels which make up that tract—it will be a certain portion of the whole.

Mr. Jess: I think that, of course, certainly, is permissible, they may do it in that way, but I don't think they are bound to do it that way.

Mr. Stout: No, I don't say anyone is bound to do it, but I think it is proper to ask this witness whether he would have put a different value upon the property if he had appraised it in some other way. I think it all goes to the value of the property, otherwise our witnesses would be disqualified from testifying in the manner I have just indicated.

Mr. Jess: These maps that have been prepared, or the assessments that have been prepared by the State Board are made with reference to certain maps, and it would seem to me those maps would have the same relation to the state and the taxing authorities as tax maps. It has been held by the Courts that when land is assessed with reference to a map, assessed as blocks and lots, that the judgment as to the valuation on review of the assessments must be a judgment giving the value of each particular lot, parcel, and I am inclined to think that the same thing would apply here.

I don't think, Mr. Stout, that legally perhaps you should be excluded from asking that question, but I do feel rather strongly that the answer to the question does not convey any special help to the Board.

Mr. Stout: Well, it might not be conveying any help to the Board, but might convey some help to a court of review.

Mr. Jess: Well—

Mr. Stout: What did the Supreme Court mean when it said that it is proper to consider the increased value imparted to the several parcels by their assemblage into a connected whole appropriate for a railroad terminal, what did they mean?

Mr. Bain: They were considering one single tract assessed as one single tract, the Long Dock terminal.

Mr. Jess: The only question on review, if the judgment of this Board is reviewed, will

be the value of particular pieces as they have been assessed by the State Board.

Mr. Stout: Yes, and if, as I take it, the property was either arbitrarily or some other way divided into such parcels, the property being in the same ownership, as to depreciate the selling price of that property then I think we are excluding from the record something that ought to be put in it.

Mr. Bain: I want to say this, I don't want to prolong this discussion—suppose Mr. Stout does elicit information that if these parcels were assessed in some other manner than that which they are assessed the other parcels would have a higher value as a whole, that would not be any use on this review at all because the question is what is the value of these particular parcels. It would not be helpful to prove these parcels divided in some other way would have some other value.

Mr. Jess: We will take a recess here until two o'clock and in the meantime we will consider this question and announce our ruling later.

A recess was here taken until two o'clock.

After recess.

ROBERT HUNTLEY resumes the stand.

Cross-examination continued by Mr. Stout:

Q. Mr. Huntley, refer to the Port Johnston property of the Central Railroad, this property is described as 2,000 feet back of pierhead line to pierhead line, Kill van Kull, Bayonne, acreage 19.342 acres, rate per acre $20,000 as of January 1, 1921. Will you tell us what particular sales, if any, of property you took into consideration in arriving at the value of this Port Johnston property? A. Our office sold property known as the La Tourette property between Avenues C and D, which together with the water grants, upland, we sold for about $28,000 per acre. I have a memorandum of the sale of the American Cotton Oil Company property down below Newman Street, and I had at one time made an examination and appraisal of the property of the Cotton Oil Company. Those sales I considered in connection with this. They were not exactly similar properties, as in each of those cases they had but a short distance from the pierhead line to the shore line, and the backing was a solid upland, but this property is a property which fronts out on the Kill van Kull with deep water and it runs back a distance of 2,000 feet from the pierhead line. It runs in between the properties, generally between the properties of the Gulf Oil and the Gulf Tide Water Oil Companies and is part of a large area belonging to the Port Johnston yards.

Q. You didn't place this line back 2,000 feet from the pierhead line for the purpose of arriving at a

valuation, did you? A. No, I just considered this place as it was allocated here for the assessment of taxes.

Q. In placing a value upon it did you consider that it was a part of a larger tract? A. Oh, yes.

Q. These two sales which you refer to in your opinion are not substantially similar property? A. Not substantially except that they have upland and the water front. The water front I believe is of a different character from this.

Q. The other properties are separated from water front by a street or by streets? A. Not the American Cotton Oil Company, there is a street which runs through the property probably 300 feet back from the water front. The La Tourette property, I believe, is not separated by a street; there is a proposed street which I understand has not been acquired.

Q. Isn't there a street known as First Street? A. There is, but I understood that the property in front of the La Tourette had not been acquired.

Q. You know that part of that street is paved? A. I don't think any of it is paved, from my recollection of it.

Q. You wouldn't consider those properties involved in those sales substantially similar property? A. Well, just as I have explained, they are not physically exactly similar properties.

Q. What would you say as to location, is the Port Johnston property more favorably located or less favorably located? A. I don't know that there is very much to choose as between the locations. There is not such a great distance between them, and I think so far as the waterway is concerned the others are a little further from New York Bay than the Port

Johnston property and there might be a little advantage to the Port Johnston location on that account.

Q. Would you say that the properties involved in these two sales could be devoted to the same use as the Port Johnston property? A. I don't think they could be used in the same way. In the Port Johnston property I find there are deep basins dredged in and I don't think you can do that on either of the other properties.

Q. And have these properties involved in these two sales a railroad connection? A. The American Cotton Oil Company had railroad connection. The railroad spur ran right in between the two divisions of the property. The La Tourette I believe had no railroad connection.

Q. And that sale to the, was it Cotton— A. To the American Cotton Oil Company.

Q. —American Cotton Oil Company, what was the rate per acre? A. The rate per acre, it was something in the neighborhood of $10,000 an acre that the American Cotton Oil paid for the property. I had a complete record of the sale here, I know that I have seen it, and that is about what—

Q. The sale of that property which you say could not be devoted to the same use as the Port Johnston property didn't help you very much in arriving at the value of the Port Johnston property if it sold for less than half of the value put on Port Johnston? A. This property I found, that sale was made in 1911 and there were 14 acres of land which sold for $110,000, and that worked out at the rate of $7,857 per acre. Some four or five years later I examined

and appraised that property and for that area that was purchased I allotted in different sections and then the total amount divided by the areas would have given something like $14,000 per acre, which was my idea of the property at that time.

Q. Did that property have a riparian grant? A. Yes.

Q. At the time you made the appraisement? A. Yes.

Q. Did you consider a sale of property made in 1911 a criterion of value of the same property in 1921? A. Well, I would give it some consideration. I would take into consideration all the information that I could gather in that neighborhood and see that some years later I said that the property was worth a good deal more than it was at the time of the sale.

Q. You know of the sale of the Central Railroad to the Tide Water Oil Company of land adjacent to this Port Johnston property? A. I was informed that the Central Railroad Company had made some sales to the Tide Water Oil Company, yes, sir.

Q. And what was the selling price? A. The larger portion of it was sold at the rate of $10,000 per acre. The last sale was a very narrow strip which was sold at the rate of about $35,000 per acre.

Q. When was the first sale made? A. The sale made in April, 1915, 2.102 acres at $10,400 per acre; the next sale made in April 25, 1916, 4.796 acres at $10,000 per acre; in September, 1919, 4.465 acres at $35,000 per acre.

Q. In your opinion is the property involved in those sales as valuable as the Port Johnston property

here under consideration? A. I should say that the property in this portion of the Port Johnston property in my opinion would be more valuable than the property which was purchased by the Tide Water Oil Company.

Q. This property here of the Central Railroad you think is more valuable? A. It is probably of much the same value because those strips took right down to the water front but they extended a greater distance back, as I remember it. They would be, might be comparable for value.

Q. The Port Johnston property here under review is improved property, is it not, used as a yard? A. Well, this particular portion of it down here is used as a coal yard.

Q. And the property involved in those sales of adjoining property, is that improved or unimproved? A. Well, it is improved now, it was filled land.

Q. Was it at the time of the sale? A. I understood it was, that was the property on which the oil company had been dumping refuse and filled it up to a good level.

Q. And your knowledge then is based upon information that the property at the time of the sale, or at the time of the sales was improved property? A. Well, it was a part of the yard that over along at that particular part of the property had been improved by filling.

Q. Now, Mr. Huntley, I direct your attention to Main Stem property described as beginning to Highway, Bayonne, consisting of 7.504 acres. Your valuation as of January 1, 1921, is $15,000 per acre? A. That is part of the Constable Hook Branch, Main Stem.

Q. Will you tell us, Mr. Huntley, how you arrived at that valuation? A. I considered that as being a long strip of property used for railroad right-of-way winding in and out of the yards of the Standard and Tide Water Oil Companies and my estimate of the value in there for that particular strip was $15,000 per acre.

Q. The property on either side of this property is not owned by the Central Railroad? A. No.

Q. Would you have put a greater value upon this Main Stem property if the property on either side had been owned by the Central Railroad Company? A. That would all depend on how much—if all that tract were owned by the Standard Oil Company, by the Central Railroad of New Jersey, both the Tide Water and Standard Oil holdings and all the other holdings?

Q. Yes. A. I am inclined to think that I would, yes.

Q. Put a higher value upon it? A. Yes.

Q. Then is your value based upon the value of the lands on either side? A. Not especially, no; the lands on either side of it, large tracts with water front.

Q. Is the strip then under consideration in your opinion more valuable or less valuable than the lands on either side? A. I think with this, speaking in a large way, I should say that this strip was of less value than the average value of the large tracts adjoining it.

Q. Now, direct your attention to Main Stem, Highway, to end of line Bayonne, consisting of 4.359 acres, which you valued at $15,000 per acre as of January 1, 1921; is that a continuation? A. Yes.

Q. And your information and your reasoning are the same as to the other? A. Yes.

Q. In arriving at value? A. Yes.

Q. Does that clean the slate? A. I think that completes all the parcels, first and second, of which I have given any testimony.

Q. Mr. Huntley, when did you start to make an appraisement of these properties which you have testified to?

Mr. Stallman: You mean all of the railroads or just those of the Jersey Central?

Mr. Stout: The whole shore front that he has testified to.

A. I think about two months ago.

Q. You examined each individual piece? A. Yes, I think I examined each and every piece of that property. You will understand this, that in some of those cases of continuous lands without any particular dividing line I couldn't say that that is the exact point in the absence of any surveyor's mark, but I visited each and every one of these properties and walked over them.

Q. How long did it take you to make that examination? A. Oh, I think it took me four days, didn't do it all at once.

Q. You mean parts of four days? A. In the aggregate, we will say it was something like four days.

Q. In examining these various tracts did you have pointed out to you or did you know the exact size and area of each piece? A. I took those in each case from the diagrams which were furnished me.

Q. Did you have your diagram with you at the time of making your examinations in respect to each piece? A. I had in most cases the book of diagrams with me, yes.

Q. And you had indicated to you on the property just where that would be located? A. Well, about.

Q. Did you in making this examination also examine the properties involved in the sales which you have referred to in your testimony? A. A number of those I think I have seen, I didn't examine each one of these properties at the time because some of these properties I had known and was familiar with the sales, others I made an examination of.

Q. Did you make as careful an examination of those as you did of the pieces which you were to appraise? A. I don't think that I did; in each and every instance I looked at the location and general surroundings.

Q. Was the data as to the area and shape and description of these tracts given to you before or after you made your physical examination of the property? A. Why, a larger part of this data I had before I made my physical examinations; in fact, I had it all before I completed my physical examinations.

Q. Furnished you for the purpose of making this appraisal or these appraisals? A. Furnished to me to give me accurate information where I lacked real accurate information which would come from owners and from their surveyors. A great deal of this information I already had; I had been collecting information for a good many years and particularly I

have made a study of the river front for the past year and gathered information on it.

Q. So you spent four days altogether in making an examination of all of these properties beginning at the Weehawken property down to Bayonne inclusive, referring to each parcel as given to you in this data or the data that you had previously had? A. For this particular purpose of refreshment of my memory and the fixing in my mind of special and particular features on these properties, yes. Of course, I have been familiar generally with all of this property for many years.

Q. And you hadn't, prior to the appraisals in question, placed an appraisal upon any of the properties involved in these complaints? A. I think not, I don't remember of ever appraising any of these properties which are involved in these cases.

Q. And so you started your study to arrive at the value of these properties about two months ago?

Mr. Bain: I object to the form of the question. It assumes a fact not proved, you began your study. The man has been studying for years.

(Question repeated.)

Q. I would say your particular study to arrive at the valuations which you have placed upon these properties. A. I will say that I started my particular study of these properties for the purpose of valuing them about within the past two months.

Q. Did you, when you made an examination of these properties and saw the uses to which they were devoted, did you determine whether the property was

being used for the most advantageous purpose within reasonable contemplation? A. I think that in most cases I was impressed with the fact that the properties were being used for a purpose for which they were as well adapted as for any purpose.

Q. And so when you had in mind the mythical purchaser or the hypothetical sale you considered what the particular piece of property would sell for if the present owner wanted to sell it for some use, willing to sell, not required to sell, with the purchaser willing to buy and not required to buy? A. I don't think that I limited myself to that.

Q. Did you— A. Just a moment. I will try to answer your question. I considered first the use to which this property was being put and its suitability for that use, and if that was as the property lay, if that would probably produce as good results as if it were used for some other purpose, and I thought property of its possibilities of use for some other purposes, and considered whether it was ready and ripe in its present condition, providing they removed all the railroad tracks and railroad improvements except the filing of land for some other enterprise, and whether they would have to make a good many changes on the land before they could use it.

Q. But if a particular piece of property was in your opinion devoted to the most profitable use within reasonable contemplation didn't you consider what the property would sell for in the market for the same use? A. Oh, I don't know that I considered what one railroad company would pay to another railroad company for property which they used, it seemed to

me that the railroad companies generally needed the land that they had acquired and that they would not be very likely to part with it unless they were getting a figure that would more or less discount their future needs or the possibilities of their being forced to go out and get something else to take the place of what they had. I don't find railroad companies as a rule selling parts of their yards freely as other dealers in real estate will do.

Mr. Bain: They can't without the consent of governmental authorities.

Q. Then, Mr. Huntley, will you tell us what is your standard of value of property for the purpose of taxation? A. The fair market value of property as between a willing buyer and a willing seller.

Q. And you had that mythical seller and mythical purchaser in mind when you placed a value upon each piece of property, did you not? A. I think so, yes.

Q. And therefore you had to, did you not, following out that theory, contemplate what the railroads in each instance would take for their property, not being required to sell, and what someone who wanted the property for the same purpose would be willing to pay? A. Why, I don't believe I gave a great deal of thought to the railroad companies selling railroad property to another railroad company. I tried as best I could to divest the land of the railroad fittings and to consider now here is a large piece of vacant property in such physical condition, what could I get in the market for that property.

Q. The market between who as the seller and who as the purchaser? A. Any owner and any purchaser.

Q. Any owner? A. Yes.

Q. And if the Central Railroad or the Lehigh Valley were the owner then you considered him, did you not? A. No, I tried to cast him out of my mind, because I didn't believe they were going to be ready sellers; therefore in order to obtain a fair market value as between a willing buyer and willing seller I couldn't quite conceive of the railroad companies being in the position of being willing sellers.

Q. Did you conceive of any owner who might own the property the same as the ownership existed that might be more willing to sell than the present owner? A. I can believe that a concern or an individual having a large piece of vacant land like that would be willing to sell it, and I can conceive that a purchaser could be found who would look that land over and say I could use that for my purpose and I would be willing to pay so much money.

Q. For some other use?

Mr. Bain: I understand property is not to be valued for any particular use.

A. I have said now I considered this land as stripped of all railroad appurtenances and being bare land and belonging to an individual; I didn't limit it to railroad use or steamship use or manufacturing use or anything else, I say there is a man that has got a piece of property, as nearly as I can do it, and it is located in such a section and the surroundings are so and so, to the best of my knowledge, from informa-

tion gathered from sales made and from my general knowledge of the whole section and my observation could I find a buyer for that providing this man is willing to sell, and what would that willing buyer be willing to pay and what might the seller be willing to sell for, and what would I say was a fair ground for them to meet on, and I tried to tell you that.

Q. You didn't consider that the property being used as it is and developed as it is for a certain use had added anything to the land?

Mr. Bain: I trust Mr. Stout is not insinuating that railroad use is profitable.

Mr. Stout: I am not insinuating anything.

A. I am trying to tell you that I tried to separate from my mind the fair market value, eliminating the fact this was used for railroad purposes.

Q. When you came to sell it you divorced that from your mind? A. I tried to divorce that from my mind and picture to myself a large area of vacant land having water front and a lot of adjoining upland and tried to think what I could get for that property.

Mr. Stout: I am through with my cross-examination. Does the Board desire to ask Mr. Huntley some questions? You may have some other angle. We want to get all the enlightenment we can.

By Mr. Jess:

Q. Mr. Huntley, had you appraised any property similar to this on the Jersey City water front in the last two years? A. Why, I think that the only water

front which I have appraised in Jersey City in the last two or three years was the Bayonne fronts. I don't think I have been asked to appraise any property in the Jersey City water front; that is in that matter of—when I speak about an appraisement I mean the examination and the appraisement for pay.

Q. That is what I want. A. Of course I have expressed opinions with our industrial sales force a good many times, but I understood you to mean the ordinary paid appraisal which is signed and sent out, I don't think I have had occasion to make a paid appraisal of any of that water front except the American Cotton Oil piece and the La Tourette piece and a piece of property, well, it isn't water front, that wouldn't come into the types that come into this examination; I appraised some pieces of property, dwellings and lots and one or two factories in Jersey City, but they are not this class of property.

Mr. Jess: Have you anything more on redirect?

Mr. Bain: Yes, I have a few questions.

Mr. Stallman: I have one.

RE-DIRECT EXAMINATION by Mr. Stallman:

Q. Mr. Huntley, when Mr. Stout was examining you in regard to the Delaware, Lackawanna & Western yard I understood him to ask you whether in valuing the Jersey City terminal yard, that is 131 acres, you had taken into consideration the value of the back lands, that is the lands in the rear of the Lackawanna yard. Did you take such valuation into consideration?

Mr. Stout: I object to that, may it please the Board, that my recollection is that the Court ruled that Mr. Huntley was not qualified to testify as to the value of back lands.

Mr. Stallman: I am not asking him that.

Mr. Jess: He is asking if he took it into consideration.

Mr. Stout: How could he take into consideration the value of something that he is not competent or had not qualified before this Board to speak of?

Mr. Jess: He may have done it, you know, in spite of that.

Mr. Stout: Do you want to make the witness destroy himself?

Mr. Jess: I don't know—

Mr. Stallman: Suppose you let me take that chance.

Mr. Stout: I am addressing this to the Board. You take all the chances that you want.

Mr. Jess: I think it is admissible; the question is allowed.

(Question repeated.)

A. I informed myself about those sales, about the sales which had been made for the purpose of finding out the valuation of lands back of the Lackawanna yard.

Mr. Stallman: That is all.

RE-DIRECT EXAMINATION by Mr. Bain:

Q. Mr. Huntley, how many sales of water front property were there in Jersey City in the last ten

years between the tide water basin of the Lehigh Valley Railroad Company and the northerly line of Jersey City, so far as you know? A. One sale, so far as I know; that was the sale of the American Coal to the International Elevator.

Q. What do you say the rate was per acre of that sale?

Mr. Stout: That is already in evidence.

Mr. Bain: It went in on cross-examination; this is re-direct.

Mr. Stout: I know that. What is the use, do you want to put it in differently on re-direct?

Mr. Bain: I don't know what I am going to bring out yet.

A. $68,200 per acre.

Q. You valued the Long Dock terminal yard north of Pavonia Avenue and I think the Harsimus yard of the Pennsylvania Railroad Company in Jersey City, at a rate of $65,000 per acre? A. Yes.

Q. Why did you put a somewhat lower valuation on those two yards than the price paid for the International Elevator Company's property? A. Because I figured that the land down near to the center of Jersey City, Exchange Place, was worth a little more than it was up in the Harsimus yards.

Q. That is because the International Elevating Company property, by reason of its location, was more valuable than the Harsimus yard of the Pennsylvania and the Long Dock Company's yard, is that right? A. Yes.

Q. How many sales of water front property were there in Hoboken in the last ten years, so far as you know? A. Ten years in Hoboken; I think outside of the transactions of the Government in the matter of the Hamburg-American, the American Warehouse & Terminal and the North German Lloyd that there were only two.

Q. What were they? A. The sale of the Manor Real Estate Company and the Hudson Realty Company and the sale of the Ocean Steamship Company to the Hudson Realty Company.

Q. What were the rates of those sales per acre? A. The sale of the Manor Real Estate $59,045, and the sale of the Ocean Steamship Company was at the rate of $54,227 per acre.

Q. In your opinion has the water front south of the tide water basin in Jersey City a higher or a lower value than the water front property on the Hudson River in Jersey City and in Hoboken north of the tide water basin?

Mr. Stout: I object to that question unless he specifies just where south and just where north.

Mr. Bain: Anywhere.

Mr. Stout: Well, Mr. Bain wouldn't permit questions on cross-examination of that kind.

Mr. Bain: I don't think I ever objected to such a question.

Mr. Jess: The question is allowed.

A. I would say—

Q. I will limit it north as far as the northerly line of Hoboken. A. I think that the water front south of the tide water basin is less valuable than the property north of the tide water basin to the Hoboken line.

Q. Speaking particularly of the Central Railroad terminal lands, as you go south from the northerly line of the terminal lands of that company does the value of the lands increase or decrease? A. In my opinion they would decrease as you went further south.

Q. And why? A. Getting farther away from the intensive development of Jersey City, and I think also that the shore contour and the relation of the water front to the deep water in the harbor would affect it.

Q. Now, I am speaking particularly of the Central Railroad Company's terminal lands. Have various portions of those terminal lands different values for any reason, and if so for what reason? A. I should say that the portions next the Lehigh terminal would be the most valuable parts of the property. As you went south from that they would lessen in value.

Q. Why? A. First because they are getting farther away all the time from the more valuable part of Jersey City which I have allocated as being at Exchange Place.

Q. Would location with regard to Ellis Island have anything to do with it? A. Then there is the change in the shore outline and the difference in the distance and the communication with the deep water in New York Harbor, and as you went way down at the south end of the property you would be getting farther away from the city and also from good communication with deep waters of New York Harbor.

Q. The only lands, water front lands sold in Jersey City south of the tide water basin of the Lehigh Valley Railroad Company in the last ten years were the properties gathered by the Lehigh Valley Harbor Terminal Railway Company in a new terminal, is that not so, so far as you know, running now down to the Jersey City southerly line? A. Yes, I think those were the only sales which I had any record of in ten years.

Q. What was the average price paid for those properties? A. I have already stated something like seven thousand odd dollars.

Q. Have you figured up the average for the whole thing? A. I have already stated that.

Q. Have you; if you stated it once you need not do it again, I was not sure you had. A. I have stated an average price of all that property; it is something over $7,000.

Q. That rate, Mr. Huntley, included, did it not, certain arrears of taxes on the properties? A. Yes, I am informed that included not only the purchase price but the arrears of taxes which were assumed by the purchaser.

Q. If arrears of taxes were disregarded the average rate per acre would be less?

Mr. Stout: Objected to as a matter of calculation.

Mr. Bain: The question can be answered yes or no.

A. The purchase price exclusive of the taxes would be less.

Q. Much less. Now, Mr. Huntley, you referred to several sales by the Central Railroad Company to the Tide Water Oil Company, I think two of them

at the rate of about $10,000 an acre and one at a somewhat higher rate, thirty odd thousand dollars an acre? A. Yes, sir.

Q. Are you familiar with the piece which was sold for $35,000 an acre? A. That was a narrow strip, the last strip that was sold to the Tide Water Oil Company taking a narrow strip out of the land of Port Johnston.

Q. That is, it was a long narrow strip? A. Yes.

Q. Along the Tide Water Oil Company's plant? A. Yes.

Q. Do you know how wide and how long that strip was? A. I haven't the diagram of that, but I know it was a long narrow strip and it seemed to me that it was less than fifty feet in width for the whole distance.

Q. And several hundred feet in length? A. Several hundred feet in length.

Q. Was there also another sale by the Central Railroad Company to the Tide Water Oil Company, do you know, at the rate of $13,700 an acre? A. I haven't been informed of another sale, only these three sales.

Q. In valuing these railroad terminal yards do you consider their availability for railroad use as well as for other uses? A. Undoubtedly, yes.

Q. And did you give the lands all the value that they had in your opinion because of continuity? A. I did.

Q. And because of location with respect to the Hudson River or New York Bay? A. I did.

Q. And also with respect to access of streets where there was access by streets? A. Yes.

Q. And with respect to railroad connections? A. Yes.

Q. And did you also consider the availability of the lands for any other purposes, general availability? A. Yes.

Q. I show you, Mr. Huntley, three schedules, one entitled Lehigh Valley Railroad Company, Appraisals of certain parcels of first and second class property, by Robert Huntley; another headed, Central Railroad Company of New Jersey, Appraisals of certain parcels of first and second class property, by Robert Huntley; and the third headed Erie Railroad Company, Appraisals of certain parcels of first and second class property, by Robert Huntley; and also another schedule headed Delaware, Lackawanna & Western Railroad Company, Appraisals of certain parcels of first and second class railroad property, by Robert Huntley. Do those schedules show the appraisals of the various parcels of property under review to which you have testified? A. They do.

Mr. Bain: I offer these in evidence, the schedules, copies of which I have given Mr. Stout.

Mr. Stout: Before they are offered in evidence or received rather in evidence I would like to know whether the values that appear in those schedules are the same values that the witness testified to.

Mr. Stallman: Yes; this is merely a resume of his testimony.

Mr. Bain: In schedule form; they are appraisals made by this witness.

Mr. Stout: Then I have no objection to their going in evidence to put in concrete form the values he testified to.

Mr. Bain: That is the only purpose. Do you recall whether Mr. Wall yesterday offered similar schedule on behalf of the Pennsylvania Railroad?

Mr. Jess: He did, the Pennsylvania and the New York Central.

Schedules received in evidence and marked Exhibits P5 to P8 inclusive.

Q. In regard to that sale by the Central Railroad Company to the Tide Water Oil Company of the long narrow strip, have you any memorandum of that sale before you? A. Just the mere fact of the rough statement as I gave it.

Q. I think the width was 50 feet wide and several hundred feet long? A. Yes.

Q. Are you sure about that, might it not have been 75 feet wide and several thousand feet long? A. I think it was upward of 3,000 feet in depth.

Q. All that you intended to indicate was it was a long narrow strip? A. A long narrow strip, that was all.

RE-CROSS EXAMINATION by Mr. Stout:

Q. The accuracy of it not controlling? A. Except the fact it was a long narrow strip of land and it contained so many acres in area.

Q. Isn't it also a fact, Mr. Huntley, that the piece that was sold by the Central Railroad to the Tide

Water Oil Company of the Port Johnston property in 1916 was also a long narrow strip? A. Generally speaking it was, yes.

Q. And the sale in 1915 was also a long narrow strip? A. Generally a long narrow strip.

Q. As far as the shape and size of the property sold in those years is concerned you wouldn't place any different value upon them, would you? A. It is doubtful if I would appraise one any higher than the other if I was appraising those two strips side by side apart from that sale, I should probably give them much the same value because I think they had much the same physical attributes.

THOMAS A. RYER, sworn on behalf of the petitioners.

Direct-examination by Mr. Bain:

Q. Where do you live, Mr. Ryer? A. Jersey City.

Q. What is your business? A. Real estate.

Q. How long have you been in that business? A. Twenty years past.

Q. All of that time in Jersey City? A. No, Jersey City, Monmouth County and Montclair.

Q. How long have you maintained your office in Jersey City? A. During that entire period.

Q. For the last twenty years you have been in the real estate business with an office in Jersey City? A. I have.

Q. Been buying and selling real estate in Jersey City? A. I have, largely.

Q. And also in Hoboken? A. Yes.

Q. Are you familiar with the value of property in Jersey City and Hoboken? A. I am.

Q. And also on the Hackensack meadows between Jersey City and the high land in the west commonly called the Kearny part of the Hackensack meadows? A. I am.

Q. Have you kept a record of the purchases and sales of water front property in Jersey City and Hoboken? A. All over Hudson County for the last fifteen years.

Q. Have you given any special attention to water front property? A. I have.

Q. In what way? A. I have studied water front properties and kept records of all water front sales for the past fifteen years; I have made appraisals and testified in a great many cases during that time.

Q. What particular water front do you refer to? A. The Hudson River, New York Bay, Newark Bay, Kill van Kull and Hackensack River.

Q. That is in the municipalities in Hudson County? A. It is, and Bergen County.

Q. Have you investigated those sales in various ways? A. I have.

Q. Examined the records of the sales in a great many cases? A. I have.

Q. Sought information about them in other ways? A. Many ways.

Q. By going to the purchasers or sellers in many instances? A. I have. Many properties I had for sale personally.

Q. Were you ever employed by the City of Jersey City in any position with regard to the valuation of property? A. From 1908 to 1912 I was employed by Jersey City in all matters pertaining to real estate.

Q. Since that time have you made numerous appraisals for individuals and corporations? A. I have,

and also for Jersey City, Hudson County and the Federal Government.

Mr. Jess: What was the nature of your employment for the City between 1908 and 1912, Mr. Ryer?

A. From 1908 to 1912 I appeared before the County and State Boards, or rather the State Board, not the County Board, on appeal cases of individual property owners. At the same time I represented the railroads against the City during that period, so that I didn't represent the City against the railroads but on everything else I represented the City, and I also during that time purchased park sites, school sites and anything that the City had to purchase during that time under condemnation or by direct purchase.

Q. That is, you were advising the City in regard to the values of lands other than water front lands? A. All sorts of lands other than water front; there were no water front lands under consideration during that period with the City outside of 1913 I made an appraisal of the Droyer's Point that the City purchased; that is a piece of water front property they are developing today.

Q. Between 1908 and 1912? A. No water front properties came into my consideration.

Q. And the revaluation of all the railroad property in the state was in process? A. It was.

Q. By the state agency? A. It was.

Q. Will you state particularly a few of the appraisals that you have made of various properties? A. In 1908 I represented the Hudson & Manhattan Railroad Company in the condemnation of Block

138 between Warren and Henderson Streets in Jersey City for a car yard.

In 1909 I represented the United States Government in the acquisition of the Post Office site in Block 70 at Washington Street.

In 1915 I appraised the properties of the Public Service Railway Company and Electric Company from Port Richmond, Staten Island, to Edgewater, New Jersey.

In 1917 I appraised the properties of the American Warehouse & Trading Company and represented them before the arbitrators when the price was being fixed for the purchase by the Government. In 1920 and 1921 I made the valuations of the easements of the property to be acquired for the tunnel, the vehicular tunnel under the river and also for the widening of the streets for access and the plazas.

I also in 1915 appraised the Davis estate and was a commissioner in partition of that estate.

In 1920 I appraised part of the Gantz estate, which was a very large estate.

Q. Have you devoted almost your entire time for some period past to appraisal work? A. For the last fifteen years I have done practically nothing else outside of some selling and buying.

Q. Have you appeared before various tax boards, including this Board, and other bodies as an expert witness as to the value of lands? A. I have, since 1907.

Mr. Bain: Cross-examine.

CROSS-EXAMINATION by Mr. Stout:

Q. Have you ever made a sale of shore front property in Hudson County between Weehawken and Bay-

onne, including those municipalities? A. I have made no sale—

Q. I asked you whether you made any sale? A. I have made no sale unless you consider what I was going to say a sale; I was going to say—

Q. I mean a sale by private parties by private contract? A. No, not by private contract, no.

Q. What do you consider are the essentials in arriving at the value of a piece of water front property? A. I think it is necessary to know all the facts pertaining to all the sales of water front property in the neighborhood of the property appraised. In addition to that I think it is necessary that you have a general knowledge of water front conditions throughout the entire territory.

Q. Anything else? A. That is all; with some knowledge, of course, of back lands.

Q. Do you know of any sales of water front property in Hudson County that were made at market value? A. I do.

Q. Which sales? A. The American Warehouse and Trading Company to the Government in 1917 and the—

Q. I mean by private contract. A. That was practically a private contract; it was a contract, in fact.

Mr. Stout: I move to strike that out.

The Witness: I am going to show you that was a contract.

Mr. Bain: I insist that was a contract.

Mr. Stout: I think I have a right to examine the witness my way.

Mr. Bain: You have done more than that.

Mr. Stout: The question is not framed the way I want it.

Mr. Bain: Oh, well.

Mr. Stout: The witness knows that, too.

The Witness: I only answered your question.

Q. Do you know of a sale of shore front property in Hudson County made between private parties within the rule laid down by our courts as to a willing seller and a willing purchaser, the one not required to sell and the other not required to buy? A. I do.

Q. What sale is that? A. The Ocean Steamship Company to the Delaware, Lackawanna & Western Railroad Company.

Q. What was that? A. I think some purchases of the Lehigh Valley Railroad on the New York Bay might come under that head and yet I am not sure, because the Lehigh Valley Railroad Company might not be considered willing buyers of all the tracts; they were acquiring the tract and some of them were at fair market values and some were not, in my judgment.

Q. Do you judge that by the price they paid or by information derived from the purchaser? A. Well, when you buy a piece of water front property for $5,000 an acre and buy the next piece to it, almost identically similar, for $10,000 an acre I would consider one as either high or the other as low, judging from that fact I don't think all the prices in the Lehigh Valley purchase were at a proper value.

Q. Do you know any other sales than these that you have referred to? A. Yes, I think the sale of the, the original sale rather of the water front property at Bayonne, which was later sold to the Union Sulphur Company, was at a proper figure.

Q. Was that shore front property? A. That was shore front property, yes. They bought it for $175,000 without the grant, and that is the sale Mr. Corbin made which fell through, and later on they sold the whole thing for $225,000. The first sale contract was at a proper price, I think. It didn't go through at that time, due to certain reasons I can give you if you wish.

Q. You think the grant was at too high a valuation? A. No, I don't mean that because the original sale at $175,000 would have included the grant at $200,000, and then in going back I might say the American Cotton Oil I don't think sold at too high a price. Mr. Van Buskirk bought some water front property in Bayonne at not too high a price. Several little sales in there might come in that category, but they are remote and old.

Q. After obtaining your information as to the selling price of what you consider substantially similar property and the description and knowledge of a particular piece of property, what is your method of arriving at valuation? A. I don't think I quite understand that question, Mr. Stout; what do you mean by similar property? I get a sale, where does similarity come in, with what?

Q. With the piece of property you are putting a value on. A. That I am appraising?

Q. Yes. A. I don't know of a single piece of water front property that has been sold on the Hudson River that is similar to any piece of water front property that I am appraising in this case, so similar that you could apply it foot for foot.

Q. Then after you have acquired your knowledge and made a study of all the sales what is your reasoning or method of arriving at the value of a particular piece of property? A. It depends entirely upon the piece of property you are valuing. If you name a particular piece of property I will tell you how I arrived at its value. In the final analysis my value when I arrive at it is purely my judgment based on the facts I had before me at the time I value it.

Q. Take for example the West Shore property of the New York Central. A. I have to take my knowledge of all the water front sales I have knowledge of and then after I have done that I have to place my valuation on the water front as I see it.

Q. As you see it, you mean by that? A. As my judgment tells me it is worth after I have considered all, everything in the case.

Q. Do you, in valuing a piece of property, consider the integral parts that make up the whole or do you value it as a large tract in one common ownership used for a certain purpose, or which may be used for any other purpose? A. That would depend on the piece of property I was valuing, if I am valuing a piece of property that had one unit or if I am valuing water front property that had several units.

Q. Take, for example, again the West Shore property that is made up of several units. A. That, in my judgment, has several units.

Q. Would you appraise each one of those units by itself having no regard that it was in common ownership and could be used in connection with the rest of the property? A. Oh, no, in making a proper appraisal of a piece of property of that kind I must

bear in mind they all have a relation to each other and all in the same ownership, otherwise I could not arrive at a proper valuation.

Q. Then you do not depreciate the value of an integral part of a large tract because it is peculiarly shaped? A. Not at all, not if the other property next to it is in the same ownership.

Q. In arriving at the value of a particular piece of shore front property do you use the hypothetical sale? A. I use all the sales.

Q. Well, I mean in your final analysis in arriving at the valuation do you use the hypothetical sale?

Mr. Bain: What particular property are you speaking about now, any hypothetical sales of some other property?

Mr. Stout: No, of the particular property.

Mr. Bain: Assuming that the particular property would be sold by a willing seller to a willing purchaser for a certain sum?

Mr. Stout: Yes.

A. I accept the statute in that regard.

Q. And in making up the assessments or valuations of these properties for which you are to testify, did you place that valuation or appraisal upon its present use or some other use? A. For any purpose that it might be used for.

Q. Did you consider the fact that the property being used as it is added anything to the land in value? A. It may or may have not but whether or not it did I took what the land could be used for.

Mr. Stout: I will put in my objection as to the qualifications.

Mr. Jess: Do you object to Mr. Ryer's qualifications?

Mr. Stout: Yes.

Mr. Jess: The Board is disposed to admit Mr. Ryer.

An adjournment was thereupon taken until Thursday, January 12th, at 11:00 A. M.

Fifth Day.

Trenton, N. J., Thursday, Jan. 12, 1922.

Present:

Mr. Baker, president, Mr. Jess, Mr. Margerum, Dr. Barber.

Appearances as before noted, Mr. Wall being absent.

Case resumed pursuant to adjournment.

THOMAS A. RYER resumes the stand.

Direct-examination continued by Mr. Bain:

Q. Have you made appraisals of various parcels of property owned by the several companies of the Pennsylvania Railroad system, the Lehigh Valley Railroad system, the Central Railroad of New Jersey system, the Erie Railroad system, the Delaware, Lackawanna & Western Railroad system, and the New York Central Railroad system? A. I have.

Q. As of what date? A. January 1, 1921.

Q. Those appraisals are of various parcels of property in Hudson County? A. They are.

Q. Including parcels of property on the water front? A. They are.

Q. Are you familiar with the properties as appraised? A. I am.

Q. Did you inspect them? A. I did; many times.

Q. Have you prepared a statement of your appraisals for each railroad system? A. I have.

Q. Will you produce those statements, please? A. (Statements produced.)

Q. All of these statements have been signed by you, have they not, Mr. Ryer? A. They have.

Mr. Bain: In order to save time and avoid having the witness read all these valuations or statements, I ask leave to put in evidence these schedules. I might say that I have handed copies to Mr. Stout.

Mr. Stout: I have no objection to these statements going in evidence if the valuations as appear in these statements are the valuations that Mr. Ryer would testify to here.

The Witness: They are.

Q. That is, the valuations shown upon the six schedules are the values to which you would testify? A. They are.

Papers above referred to received in evidence and marked as follows:

Pennsylvania Schedule, P9.
Lehigh Valley Schedule, P10.
Central R. R. Schedule, P11.
Erie R. R. Schedule, P12.
Lackawanna Schedule, P13.
New York Central Schedule, P14.

Q. In making your appraisals did you consider the sales of adjacent property? A. I did.

Q. Did you consider the value of the properties you appraised with regard to location? A. I did.

Q. And wherever any of the parcels fronted upon the Hudson River or New York Bay, did you consider that fact in making your appraisals? A. I did.

Q. Did you consider any value given to the parcels by street frontage? A. I did.

Q. Did you also consider any value that the parcels have because of continuity? A. I did.

Mr. Bain: Cross-examine.

CROSS-EXAMINATION by Mr. Stout:

Q. Mr. Ryer, refer to lot described or land shown in your statement as West Shore ferry, Weehawken, Block 2176, described as New Jersey Junction main stem to pierhead line, amount of acres 20.795; your valuation is what? A. $894,840.

Mr. Clark: That is not main stem, Mr. Stout, that is second class—

The Witness: That is merely a description.

Mr. Stout: Well, I was just reading what it was here.

The Witness: That is under description.

Q. Did you appraise that as one tract or did you divide it? A. I appraised it as one tract being a parcel of more land to the north, but I divided my areas in making my valuation.

Q. You put the same rate per acre upon the whole tract? A. I did not.

Q. Will you tell us just how you did divide it? A. I took a frontage of 530 feet on the pierhead line by a depth of a thousand feet at $1,200 a front foot which gave me an area of 12.167 acres at $52,300

per acre and a total value for that parcel of $636,000. I took the residue of the land in the rear, amounting to 8.628 acres, and I valued that at $30,000 an acre, making a valuation of $258,840. The two valuations together make a total of the valuation that is in the schedule of $894,840.

Q. You consider this tract all shore front property, or would you consider some of it shore front and other interior or back land? A. It is all shore front property; that is, back land attached to the shore front.

Q. I know, but looking at the tract as a whole, would you say it was all shore front property? A. If you mean the water front, Mr. Stout, I considered the thousand feet depth as the water front and back of that as other lands attached to it.

Q. I see. What sales of substantially similar property did you use in estimating your value upon the front piece which you designate as being 1,000 feet in depth from the pierhead? A. I didn't use any particular sale; I used all the sales of water front property that I knew of in forming my judgment.

Q. Which was the property in your opinion most nearly comparable with this? A. Well, that is hard to say because I don't know of any property that has sold on the Hudson River similar enough to apply to this property.

Q. Do you consider the front tract more valuable or less valuable than the sale to the Cunard Steamship Company? A. I should consider the front tract a little less valuable possibly than the Cunard sale.

Q. What is your reason for that? A. Due to the fact that it is further north and hasn't the same depth between the pierhead line and the existing bulkhead line, and could not be used for the same purposes that the Cunard property could be used for.

Q. Do you consider that the ferry property of the West Shore is being devoted to its most profitable and intense use?

Mr. Bain: I object to that question on the ground that it is confusing. How can this witness determine the profitableness of all uses of water front property?

The President: I am inclined to allow the question.

A. I don't know whether or not the ferry use is the most profitable use for this property, but I have taken into consideration that for any purpose that it might be used for it would be worth the value that I have placed upon it. I haven't confined it to ferry use only.

Q. Do you know of any other use that it would be worth more for? A. More than ferry use?

Q. Yes. A. No, I don't know, because ferry use may be the most profitable or the least profitable use. I have no way of knowing.

Q. Don't you, in arriving at the value of a piece of property, consider what is the most profitable or intense use within reasonable contemplation? A. Certainly.

Q. And what do you think this property is best suited for?

Mr. Bain: I object to this line of testimony upon the ground that it attempts to create a

confusion of issues. If such questions are allowed to be answered it may make it necessary for us to go into the question of the profitableness of every use to which this property can be put, and if that is done, why we might consume months or possibly years with this review. I think some courts—

The President: Yes, I think that is so, and I think Mr. Stout appreciates his limitation.

Mr. Bain: I was merely going to say, Mr. President, that some courts have limited this line of testimony so as to prevent confusion of issues.

Mr. Stout: I am only arriving at his knowledge as an expert.

Mr. Stallman: Knowledge of what?

Mr. Stout: Knowledge of the value of a piece of property.

Mr. Stallman: You didn't ask him that. You asked him to base a value upon the profitableness or the availability of this property for other or different kinds of business.

Mr. Stout: Whether it would have a greater value.

The President: You may answer.

A. I should say that the place where the ferry is located would be the most profitable use that this property could be put to in conjunction with the railroad yard from the fact that the trolley terminal and the road terminal is at that point, and the railroad terminal is also there.

Mr. Bain: Now, you see, Mr. Chairman, this may make it necessary for use to explain why the New York Central Railroad Company located a ferry at that particular place.

Q. When you are considering the potentialities of a certain piece of property, you consider the various uses to which the property might be devoted? A. Certainly.

Q. And you have got to consider whether one use in your opinion would be more advantageous than other uses, do you not? A. You have to take it from all angles.

Q. Yes. Do you consider the sale of the property to the Cunard Steamship Company, which has been referred to a good many times, as a sale at market value? A. I do not.

Q. You consider it too high? A. I do.

Q. What do you estimate the true market value of the Cunard property at the time of the sale? A. I have made no appraisal of the Cunard property as of the time of the sale, but the reason why I think it is a high value is due to the fact that just prior to the time that the Cunard people stepped into the market to purchase the property, I was dickering for it myself for a railroad company. I was led to believe at that time that I could purchase the property for a million and a half dollars, and my company wouldn't go as high as that.

Q. You don't use that as a standard or test of value, do you? A. Not at all. I gave out that as an answer to your question as to why I think the price of $2,204,000 is a high one.

Q. If you had a piece of property for sale, and you found a prospective purchaser and you gave him the figure and he said that was too high and he re-

fused to take it at that price, or buy the property, then later you found someone who was willing to pay that price, the fact that the first man refused it wouldn't be any evidence to your mind that you sold it at too high a figure, would it? A. Not at all, but if I examined the property and placed a valuation we will say of a million and a half upon it and my buyer wouldn't pay that and I could sell it for that price, and immediately after that another buyer come along who would pay two million and a half for it, I would conclude that there must be some reason why he would pay the two million. If again I knew I could buy it for a million and a half, I would take that into consideration.

Q. You think more of your opinion as to the value of a particular piece of property than what it sells for? A. Not necessarily; you have got to take all the facts into consideration and all the knowledge that you may have upon these water front properties to properly analyze them, in my judgment.

Q. Do you know of a sale of property in that immediate neighborhood, shore front property, sold during the past two years which you would consider at market value? A. Several.

Q. The past two years? A. Past two years? Yes, several.

Q. Will you name them? A. The Woodcliff Realty Company to the Edgecliff, Twombly to the Lord Construction, and the Jones sales were practically at market value in my judgment, and they are just adjoining or just above the New York Central yard on the north.

Q. Which one of those sales was at the highest price per acre? A. The highest one was the Twombly at $27,352 an acre.

Q. What kind of property was that, improved or unimproved? A. Unimproved.

Q. That didn't help you very much in arriving at the value of this ferry property on the West Shore? A. No, not very much; simply taking it in a general way with all other water front sales. I wouldn't say that it helped me materially.

Q. And the other sales were at what rate per acre? A. They run down, $24,650, twenty-three for the Jones—$23,900—about $24,000.

Q. Do you think the Jones sale was at market price? A. Pretty nearly. I mean that the average of the sale was pretty nearly and it was a little bit lower as compared with Twombly.

Q. Don't you think, Mr. Ryer, that the property which is the most aid to you in arriving at the valuation of the property of the West Shore is the sale to the Cunard Steamship Company? A. I don't think so.

Q. Well, give us the sale of a property then that is more helpful to you than the Cunard? A. I don't think that one sale was any more helpful than another. I don't think you can take any one sale and apply that to a piece of property and from an analysis of that sale make a valuation. I think it is necessary that you must take all of the sales into consideration in making a valuation of water front property. It would be a very difficult matter for me to say which one was the more controlling than the other. I have to take them all into consideration.

Q. You cannot tell us which piece of property you considered was the most nearly comparable with the

property under consideration? A. I think that would be very difficult for any one to say.

Q. At least it is for you? A. I said for any one.

Q. Well, that includes you? A. Yes, myself included.

Q. The sales to the New York State Realty & Terminal Company, did they help you very much? A. They did not.

Q. Do you consider this property of the West Shore known as the ferry tract more valuable or less valuable on January 1, 1921, than it was on January 1, 1920?

Mr. Bain: That question is objected to on the ground that the question here is the value of the property on January 1, 1921, without regard to what its value was on January 1, 1920.

Mr. Stout: To see whether he kept in touch with the market.

The President: Overruled. The question may be answered.

A. I made no valuation of this property in 1920, and it would be a very difficult matter for me to tell on any particular piece of property what it was worth at a certain time without going back and making a valuation and study of the conditions at that time.

Q. Well, in your opinion, was shore front property generally higher on January 1, 1921, than it was on January 1, 1920? A. If anything it was higher because the conditions are different today from what they were at that time.

Q. And in your opinion property generally along the shore front was higher on January 1, 1921, than it had been in any preceding year? A. I think so. What date did you say? January 1—

Q. January 1, 1921. A. Oh, no; no, I think it was higher probably in January, 1920. That is what I thought you said.

Q. You think it was higher in January— A. I think it might have been a little higher in 1920.

Mr. Jess: What was his answer to the first question?

The Witness: Oh, I was a little confused in his question. That is why I asked him—

Mr. Bain: May I ask that the question before the last be repeated?

Q. (Question read as follows): "Well, in your opinion, was shore front property generally higher on January 1, 1921, than it was on January 1, 1920?" A. My answer should have been no. I understood him to say higher in 1920 than in 1921; it was the reverse.

Q. So you think that property reached its peak of value in 1920? A. You mean up to the present time?

Q. Yes. A. I think so. That is, certain classes of property.

Q. You remember testifying last year on third-class railroad property, Associates of the Jersey Company, New York Bay Railroad Company, Pennsylvania Railroad Company, lessee, against Jersey City, referring to increases—this question: "The ones in Hudson County that you know of, have they shown

an increase or decrease? A great increase. Great increase? Yes. If they have shown a great increase why don't you think that is reflected upon the whole water front? A. I didn't say it was not. The value that I have been asked on is of October 1, 1919, and these sales were all made in 1920." A. That is correct.

Q. Now, then— A. The same testimony I am giving you today.

Q. Now, then, the sales were made in 1920 subsequent to January 1, 1920, were they not? A. They were.

Q. How, then, can you say that if the sales in the latter part of 1920 showed a higher value or showed an increase that that shouldn't be tied up to January 1, 1921, instead of to January 1, 1920? A. It probably should, because the increase would come in the early part of 1920 and subsequent to January, 1920. I took it then into consideration that it was such to October 1, 1919, and testified before that there had been no increase up to October 1, 1919, in valuation.

Mr. Bain: Do I understand you to say that these increased prices if there were any should be tied up with January 1, 1920, or January 1, 1921?

The Witness: January 1, 1920.

Q. Do you remember being asked this question in respect to Pennsylvania property: "Would you say that the Pennsylvania Piers B and C showed a greater value or selling value if there was an increase in rental of 30 to 40 per cent in 1920 over 1919? There is not anything to show any such increase." 1919 over

1920—I mean 1920 over 1919? A. No, I don't think I said that.

Mr. Bain: What are you reading now?

Mr. Stout: His answer is, "There is not anything to show any such increase."

Mr. Bain: But you read on more than that.

Mr. Stout: No, I didn't. Then I started to ask the question.

Mr. Bain: Well, I couldn't tell what was the question and what was being read.

Q. You so testified, did you not? A. My testimony, whatever it may be in there, didn't intend to prove any such thing. It was directed towards any increase of my valuation as of October 1, 1919, only, and whatever my answer was that there was no increase at that time.

Q. So in your opinion this property and shore front property generally was more valuable on January 1, 1920, than it was on the first of January, 1921? A. If there was any increase in value it took part in the first part of 1920 and not in 1921.

Q. In arriving at your valuations, do you consider these sales prior to the date which you fix for the valuation? A. I consider all sales of which I have knowledge.

Q. Subsequent as well as prior? A. Right. I do.

Q. As to this ferry tract of the West Shore Railroad your opinion then is based upon the sales of all shore front property? A. It is.

Q. And none of them are of sufficient similarity that you could use one as more helpful than another? A. I don't think so.

Q. You mean by that that one is not more helpful than another? A. No.

Q. You also said that you didn't put up an appraisement upon the property sold to the Cunard people, so you can't tell us what in your opinion you would consider to be the fair market value of that property at the time of the sale? A. I cannot.

Q. But generally speaking you think that that property is more valuable than the ferry tract of the West Shore? A. I do.

Q. Now, how did you value or what was your process of reasoning to determine the value of the rear portion of this tract? A. I placed that at $30,000 an acre, and that was purely a matter of judgment, in view of the fact that there was nothing helpful in the way of sales in that particular location to give me my value. I had made a study of values through there in 1915 and later in making my appraisals for the Public Service Railway and Electric Companies.

Q. Would you think, Mr. Ryer, that sales of property in 1915, or the value of property in 1915, would be as helpful to you as the value or sales of property in 1920 and 1921? A. No, I used sales up to 1919 in my Public Service appraisal.

Q. You think that there has been an increase in value between 1915 and 1920? A. It would depend entirely upon location.

Q. I mean generally speaking, shore front property? A. From 1915 to 1920?

Q. Yes. A. I do not.

Q. You don't think that there has been? A. No.

Q. Well, how can you reconcile that with your testimony a moment ago that 1920 was the high water mark up to date? A. Because I stated that the sales of water front property, and the taking out of the large tract to the north of the West Shore ferry, might have created an increase in value if anything, and that happened in the early part of 1920; you asked me up to date. I testified here before that up to October 1, 1919, there was no increase in water front valuations, in my judgment.

Q. What I am trying to ascertain now is whether you consider shore front property generally was less valuable or more valuable in 1915 than it was in 1920? A. Well, now, you see that takes another year; it seems to me now you have gone into 1920, probably there might have been an increase in some of the water front values in 1920 over 1915, and I have so placed them in my valuation.

Q. Would the more recent sales be more helpful than the more remote sales? A. Not necessarily.

Q. I assume that you took into consideration the market value of back lands in arriving at this rear portion of the West Shore yard? A. I did.

Q. But your valuation there is largely your judgment rather than any sales, because you didn't find any helpful sales? A. Very few.

Q. You say very few of them helpful sales? A. Well, there weren't any sales that you could directly apply to this property that I know of.

Q. And do you know of the sale to the West Shore —to the New York Central, adjoining the ferry tract to the south? A. I do.

Q. Do you know what that sold for per front foot? A. I do.

Q. How much? A. That was back in 1910.

Q. Yes.

Mr. Bain: Is that the so-called King property?

The Witness: Yes. That is the King property he is speaking about.

A. That sold for about $24,000 an acre.

Q. Well, how much a front foot? A. $807 a front foot.

Q. Was that improved or unimproved property? A. Unimproved.

Q. What was the frontage? A. The frontage was 2,478 feet, as I have it.

Q. Is that property that you have just testified about immediately adjoining the ferry tract of the West Shore? A. Yes, to the south.

Q. Abuts right against it? A. Yes.

The President: What is that described as by name? I think you mentioned it a moment ago.

The Witness: King, the King property.

Q. Is that the same property that was sold by the Guaranty Trust Company, trustee, to the New York State Realty & Terminal Company? A. It was sold by the Estate of King to the Guaranty Trust Company and then by them over to the New York State, contained about 84 acres, and sold for $2,000,000.

Q. Well, what did the Guaranty Trust Company sell it to the New York State Realty & Terminal— A. I don't know. I have no record of it. That may

have been the consideration for the expenses of the sale.

Q. You haven't any— A. I haven't that.

Q. You have heard of it, haven't you? A. I have not.

Q. Never heard of that? A. No.

Q. You— A. I presume there was a deed from the Guaranty Trust Company to the New York Central—naturally.

Q. And you don't know what the selling price was? A. No.

Q. Now, refer to lot shown on your appraisal as terminal yard, Weehawken, Block 2176, described north of ferry main stem to pierhead line, area 59.720 acres, and tell us what your valuation was of January 1, 1921? A. $2,488,500.

Q. Did you put on a uniform rate per acre valuation upon that piece? A. I did.

Q. And that was at the rate of— A. $41,750 an acre.

Q. You valued that then as one tract? A. I did.

Q. No subdivision? A. None whatever.

Q. You consider the lands in the rear starting at a point 1,000 feet from the pierhead line back as valuable as the land in front? A. I do; they are part of it; the bulkhead in part of it is almost back to the rear, in the center.

Q. So that— A. That is why I valued it as one tract. They have very deep piers there.

Q. So you consider the back part of that tract as valuable as the front? A. I do. Now, to the north of the property that I valued at $30,000 an acre.

Q. And you consider the back portion of this tract more valuable than the front portion of it? A. The ferry property?

Q. The ferry property? A. I did.

Q. And I assume that you used the same process of knowledge and reasoning in arriving at your valuation as you did— A. I did.

Q. You can't give us one sale of one piece of property— A. That is comparable? No.

Q. That was more helpful than another? A. No.

Q. This property being farther north in your opinion by reason of that fact was the less valuable than the ferry tract? A. I have taken the entire terminal, in making my valuation of the whole thing I have taken the entire terminal into consideration as being one parcel of land, and I have merely divided it up in this manner to meet the State Board's assessments. I haven't made any separation or penalized the property due to the fact that the areas as given me or the lands given me cut the yards up.

Q. Well, my question was whether by reason of this property being located farther north that it would have had a greater value if it had been located down where the ferry property— A. Possibly it would have been in the access, yes; the water front would have been more valuable.

Q. Now, refer to the next piece, land outside of main stem, Block 2176, west of the New Jersey Junction main stem, at "Y," area .370 acres, valued at $10,000 an acre? A. That is a small piece west of the New Jersey Junction main stem south of the "Y" and I valued that at $10,000 an acre.

Q. Part of the yard, isn't it? A. Part of the yard. The other side of the main stems, yes, but it is merely a small tract, and the other areas following in small tracts fitted in there up to the hill side.

Q. Would you have put the same valuation upon that small piece if it had not been assessed separately? A. Provided it was the same land as the other I would, but it is difficult to discuss that land in there and separate which is level and which is rocky. I have taken it all in as part of the hillside.

Q. Can you, by looking at the property, see that this piece stands out distinctly from the surrounding lands?

Mr. Bain: Just a moment. I object. I have let several questions be asked along this line, but it is the same point that I raised day before yesterday. We are faced with a condition, not a theory. These parcels have been assessed as particular parcels, and we are called upon to review the assessment of those particular parcels.

The President: Your former objection was addressed to Mr. Jess, wasn't it?

Mr. Bain: Well, I will repeat the same objection, if it is necessary for me to state it again, although I don't think that is necessary because I have already stated it.

The President: The objection is overruled.

Q. (Question read.) A. It is hard to say. As I say, part of that is uphill, running up to Clifton road and the Boulevard, and I can't tell which part is which by looking at the property.

Q. Well, do you know that this particular tract, .370, is level land, or whether it is rough land, by looking at it? A. I can't tell, without going down there and giving you the outlines of the property, what is .370.

Q. Well, then, what were the principal facts that you had in your mind as to the nature of this property when you appraised it? A. From standing on Clifton road and looking at the hillside as it runs down into the yard; I took it as part of the lower end of the yard.

Q. And you don't know just where that tract is? A. I couldn't tell. Some of it I can locate for you as we go along, but that piece I couldn't fix where it was.

Q. Take the next piece— A. It is in the same manner.

Q. Your reasoning is— A. Same thing as the .370.

Q. Your reasoning is the same as— A. It is.

Q. —as this .370? And does that also apply to the next tract or parcel? A. It does.

Q. Now, we will take up the next parcel of land outside of main stem, in Block 2176, described as three parcels west of New Jersey Junction main stem at "Y," and north to west New York Line, area 3.680 acres, rate $5,000 per acre. A. The southerly part is just back of the right of way of the Public Service Company, and the other part is along the Boulevard, the rough hillside running up to the Boulevard.

Q. An average valuation there? A. Yes.

Q. Which by reason of location and surroundings is more valuable than the other portions there? A. I haven't made any difference in them at all; made them all as one uniform price.

Q. Is this the property (indicating on map)? A. No, this property is here, this piece up in here, running down from the Boulevard (witness points to map). On the hillside, on the slope.

Q. You consider that property less valuable than the other three tracts you have just testified to? A.

I do. The other three tracts I figured were susceptible to use in the yard and these are not. These are hillside, running up to the Boulevard.

Q. Well, it is used in connection with the terminal yard of the New York Central, isn't it? A. Some of it may be. I can't tell.

Mr. Stout: If it please the Board, as I understand it, this property is not second-class property. I think it ought to be brought to the attention of the Board, if that is the understanding.

Mr. Clark: It is second-class property, and so assessed.

Mr. Dunham: It isn't used for railroad purposes.

Mr. Clark: It is used for railroad purposes. It is part of the bank; it is slope.

Mr. Dunham: It is in the quarries.

Mr. Clark: No, it isn't in the quarries. The quarries are a half a mile—

The Witness: Yes; way up.

Mr. Stout: Well, I withdraw the objection. I thought that there wasn't any question about it.

Q. Referring now to the next piece known as terminal yard, West New York, Blocks 2178 and 2247, from Weehawken line to New York and Ontario & Western coal pier property, acreage 114.281; tell us how you arrived at your valuation of that tract. A. The southerly 1,800 feet by 1,565 feet in depth, amounting to 64.669 acres, I valued at $41,750 per acre. The same price I placed on the piece directly south and adjoining, which gave me a value of $2,700,000. The 2,434 feet by 828 feet to the north

and running up to the West New York line I valued at $36,800 an acre for 49.612 acres, making a valuation of $1,825,500. That gave me a total valuation for the entire parcel of 114.281 acres of $4,525,500.

Q. You considered this tract, although located farther up the river, of the same value as the ferry tract? A. I did. The part—that is, not the ferry tract, but the piece adjoining the ferry on the north; the similar tract to the north I put the same valuation on.

Q. So you make no distinction there as to location? A. I did not, because I treated it as one big yard in making my valuations, in a continuous ownership.

Q. This sale to the New York State Realty & Terminal Company, just to the north, you couldn't use that, or it wasn't of very much value to you? A. I didn't think so.

Mr. Bain: Referring now to which particular sales?

The Witness: Well, I presumed he meant the two sales, the Twombly piece and part of the Edgecliff Realty Company piece, when he asked me the question.

Q. And this valuation is more your judgment based upon your general knowledge than from any particular sale? A. It is.

Q. Or sales? The next tract, land outside of main stem in Block 2178, description west of New York and Fort Lee Railroad main stem and north of Weehawken line, area 9.740 acres, your valuation at $10,000 an acre. What did you compare that with? A. That is an irregular piece of land containing the power house and the three-story brick building to

the north, and I merely placed a valuation of $10,000 as my judgment for that character of land. It isn't on a level with the railroad tracks, it goes higher, running up to the quarry property that is assessed in third-class property.

Q. Well, is that property comparable with the back lands there? A. No.

Mr. Bain: What, what back lands?

Mr. Stout: Located there, I said.

The Witness: Well, I presume you meant the quarry back of it, because there is nothing but the quarry back of it striking the Boulevard.

Q. I am not talking about the quarry.

Mr. Bain: I want to know whether you are referring to the Boulevard.

Q. Yes— A. You didn't mean back of the Boulevard—

Q. I mean this land between this property and the Boulevard. A. And the Boulevard, yes; it isn't comparable.

Q. And is it comparable with the land lying to the east of it? A. To the east of the property?

Q. Yes. A. It is not.

Q. Is it comparable with the land of the Woodcliff or Shamberg? A. I don't think so.

Q. Why not? A. Because this is partially level land. They have dug into it and straightened it out in some places at a higher level than the railroad tracks and they have got to use it in conjunction with the yard; to make any definite use of it they have still got

to dig quite a little on that particular tract to put it on a level with the railroad yard.

Q. Is it more valuable or less valuable than the Shamberg or Woodcliff? A. I don't know—

Mr. Bain: Are you asking the witness whether this particular parcel containing 9.74 acres is comparable with the Shamberg property or the Woodcliff?

Mr. Stout: Yes.

The Witness: I am telling him I can make no comparison with the other two.

Q. Can't compare the back land of the Shamberg or of the Woodcliff with this property? A. I cannot.

Q. So this is based upon judgment? A. Purely.

Q. Take the next tract. Land outside of main stem, in Block 2247, described as south of New York, Ontario & Western Railroad property, area 2.224 acres, your valuation $10,000. A. That is a small strip of the embankment running up towards the ferry road and east of the ferry road and I placed that at $10,000 an acre. That is practically on a level with the yard, although a little higher, as I saw it.

Q. Purely judgment? A. And just east of the third-class property, the quarry property.

Q. You compared this, you say, with the quarry property? A. No, no; I say it is just east of the third-class property, the quarry property.

Q. What is the basis of your opinion there, purely judgment? A. Purely judgment.

Q. And is that so in respect to the adjoining tract containing 2.159 acres? A. Is that the last one we had?

Q. No, we had the— A. 2.159 is in the same thing; they adjoin.

Q. What is the character of that property, level or rocky? A. Well, as I say in standing on the ferry road there, it is very difficult to fix a line as fixed by the State Board; I can't tell where the line comes; I can only take it as part of this land between the ferry road and the railroad tracks.

Q. These pieces of property were not staked out for you so that you can't accurately determine just what was comprehended in them? A. They were not. I had to stand here on the ferry road and look down and judge where I thought they were, and in judging where I thought they were, place my value accordingly, which I did.

Q. Refer to the next tract, main stem in Block 2176, described as from bulkhead line at West Shore Ferry, running through terminal yard and north 1,040 feet, consisting of 8.371 acres. A. That is the part of the railroad yard just north of the ferry property, and I placed the same valuation per acre there as I did on the water front property of which it is a part. This contains 8.371 acres at $41,750 an acre, and a valuation of $349,490.

Q. And is your source of knowledge and your reasoning and your consideration of sales the same in respect to this tract as to the main yard of the New York which you have previously testified to? A. It is.

Q. And is that so in respect to the next tract containing 2.755 acres? A. That has the same valuation due to the same reasons, being part of the same tract.

Q. Now, refer to main stem in Block 2173, from Clifton Road running south, containing 2.502 acres,

your rate per acre there being twenty-six thousand—A. $26,136 per acre, total valuation $65,392. That is the main stem running south of Clifton road.

Q. Which property in that locality in your opinion is most comparable with this? A. I don't know of any sales of property in that neighborhood that could be compared with this.

Q. So you rely there purely upon your judgment? A. I do.

Q. Main stem in Block 2178 and 2247, described as Weehawken line north to New York, Ontario & Western Railroad property, consisting of 9.970 acres, your valuation $39,600. A. Is an average of the entire yard running from the boundary line, Weehawken, to the boundary line West New York, and takes the same value as the value I placed upon the water front property, this being part of it.

Q. What is this, back land? A. This is directly part of it. It is the rear part of the water front. It is the main stem that runs along the rear part of it.

Q. Any sales of back land taken into consideration? A. None.

Q. Would you consider this property more valuable or less valuable than the back lands immediately back of it? A. Well, a similar piece of property if you had depth back of it would be less valuable if it were level with the tracts, in my judgment, but there is no level land back of that. That takes in practically the level land back to the start of the bluff where you can go up to the Boulevard, fifty, sixty, seventy feet in height above the yard; in some places a hundred feet higher.

Q. Take the next tract, Mr. Ryer? A. The next tract is the main stem running from the West New York line down to Park street, Weehawken. It is an irregular piece, running back of the water front, and I placed a valuation there of $26,136 an acre for the entire tract, or a valuation of $442,508. It was at the rate of 60 cents a square foot.

Q. Why did you take a square foot valuation? A. I didn't. I took the valuation as $26,136 per acre, and I tell you it figures out 60 cents a square foot.

Q. I see. How is that property located as to the Cunard property? A. It runs directly back of the Cunard property and back of the New York Central piece purchased from King, and also runs down through the Erie yard to Park Avenue, Weehawken.

Q. The next tract, consisting of .243 acres? A. That is a small parcel of the right of way back of the American Cotton Oil and I placed that at $21,780 per acre, or $5,292.

Q. The property of the American Cotton Oil—was that property acquired within the last few years? A. No, acquired some years ago.

Q. Did you use the sale to that company? A. I think I knew of the sale, but it is so old that I haven't got it in my compilation in making up the Hudson River water front sales.

Q. You don't know what they paid for it? A. I couldn't tell you now.

Mr. Bain: Referring to what particular—

The Witness: The American Cotton Oil property, the entire property; it was bought in several portions.

Mr. Bain: Are you referring to the American Cotton Oil property between the main stem of the New York and Ft. Lee Railroad or the property that the American Cotton Oil purchased which lies back of the railroad?

Mr. Stout: Mr. Ryer, in describing this property, said it was located back of the property of the American Cotton Oil.

Mr. Bain: It is; back of part of the property.

The Witness: Yes, that is what I meant—part of it.

Mr. Stout: I was trying to find out whether he used that sale, or the sales in acquiring that property by the American Cotton Oil.

Mr. Bain: That is the property in front?

Mr. Stout: Yes.

Mr. Bain: Going towards the river—

Mr. Stout: No.

Mr. Bain: Well, there are several different kinds of property of the American Cotton Oil and I want to know which one you refer to.

Mr. Stout: Well, we will just withdraw the whole thing. We will stop that. The witnesss doen't know anything about those sales.

Q. Take the next tract, Mr. Ryer? A. That is the right of way also back of the American—part of the American Cotton Oil plant, containing .670 acres, and I valued that at the same price, $21,780 per acre, or $14,592.

Q. What did they pay for it? A. The American Cotton Oil—the company paid for this right of way?

Q. Yes? A. They bought that in the readjustment of the river road and I think they paid about 70 cents a square foot when I had the valuation at 50 cents a square foot, and they paid a higher valuation; I was asked to make a valuation of that land and I did so, and they paid a greater valuation due to the fact that they were getting something more than mere land.

Q. You made an appraisal for the purchaser? A. I made the appraisal for the purchaser and for the seller, both.

Mr. Bain: I happen to know about that. It involved the relocation of the railroad and relocation of the street.

The Witness: Yes; same way with the New York, Ontario & Western.

Q. Next tract. 5.2 acres? A. That is right of way running from the Guttenberg line north to the Bergen County line, and I placed a valuation of $21,780 an acre on that, or $113,256.

Q. Do you know what they paid for that? A. I do not.

Q. You don't know when it was acquired? A. I may have known but I can't tell you definitely what they paid for it or when they acquired it.

Q. Do you think it would have been some help to you if you had known what they had paid for it? A. I don't think so.

Q. Do you know what the railroad paid for the right of way across the Woodcliff tract? A. I do

not. So many elements come into that that you can't unless you are intimate with all the facts, you can't form a judgment on it; consequential damages and many other things.

Q. Is there any distinction in your mind between the market value of a piece of property and your valuation? A. None.

Q. You think they are— A. Synonymous.

Q. Synonymous? A. In my judgment. That is what I try to get, market value.

Q. Do you make any distinction between the value of the right of way through a piece of property with the remaining portion of the property? A. I do not.

Mr. Stallman: You mean distinguishing the main stem from the second class adjoining?

Mr. Stout: No, the other property.

Mr. Stallman: You mean where the railroad company owns the adjoining?

Mr. Stout: Well, maybe to make it clearer I will put it this way.

Q. Supposing that the railroad owns a right of way through property which is owned by others, the railroad only having the right of way.

Mr. Stallman: The main stem in fee.

Mr. Stout: Fee.

Q. Do you place a higher valuation on that right of way than you do upon the adjoining property? A. I have only placed here a valuation on the value of the surrounding lands and applied it to the area of the right of way.

Q. Well, you didn't answer my question? A. Well, I thought that answered it.

Q. That is the way you do it? A. Yes. If that isn't an answer, why if you will—I will be glad to answer it some other way.

Q. I thought the answer would be yes or no. I guess that cleans up the Central? A. That cleans up the Central, yes.

Q. Mr. Ryer, referring to property of the Delaware, Lackawanna & Western Railroad Company known as Lot Jersey City Terminal, Block 19, described Hudson Street to pierhead line, consisting of 131.840 acres; tell us how you arrived at your valuation of $7,410,325? A. This is the Jersey City part of the Delaware, Lackawanna & Western yard in the northerly part of Jersey City, running from the Hudson River to Henderson Street. I valued the 1,500 feet on the Hudson River by 1,600 feet in depth at $2,600 a front foot, or $3,900,000.

Mr. Stallman: May I interrupt? You average the width?

The Witness: I was going to say that.

A. (Continuing.) My 1,500 feet is an average width, in view of the fact that the Jersey City yard widens as it goes west, and consequently I had to make my pierhead line as practically the bulkhead line. This gave me 55.096 acres at $70,800 an acre, or a valuation of $3,900,000. The remainder of the yard, amounting to 76.744 acres, I valued at $43,560 per acre, or a valuation of $3,342,968.

Q. How much an acre did you say? A. $43,560.

Q. Well, it figures— A. Wait a minute, I will explain that, if you will permit me. I added the ad-

ditional value there to one-third of the back lands due to the canal that is located on the northerly end of the Jersey City part of the yard, running back to about 400 feet from Henderson Street, and I added 15 per cent to the third of the back land area, amounting to $167,357. This gave me a total value for the yard of $7,410,325, or a valuation of $70,800 an acre for the front part and a valuation of $45,740 per acre as shown on the schedule for the rear part.

Q. In your opinion this canal adds 15 per cent to the value of the back land? A. No, sir.

Q. Well, what does it add 15 per cent to? A. To a third—

The President: Pardon me, the canal in proximity to the D., L. & W. depot?

Mr. Stout: Yes.

The Witness: Yes, the one directly back of it. It runs back to Henderson Street pretty near.

The President: That is south of the—

The Witness: South of the station.

The President: Yes. Of course my idea of the canal is something quite—

The Witness: Well, it is a 100 foot water way that runs back to within 400 feet of Henderson Street.

The President: Yes, I have seen craft on it that didn't suggest a canal boat, however.

The Witness: Well, when I say canal, we term it a canal on our diagram, that is what it is called, although it is a water way 100 feet wide.

Mr. Stallman: We call it the long slip.

The Witness: Yes. We call it a canal on the diagram, but it is more than that; it is a hundred foot water way.

Q. You added the 15 per cent to one-third? A. I did.

Q. Of the back land? A. I did.

Q. What is your line of reasoning? A. Simply that in my judgment that that was the area that would be influenced by that canal.

Q. Just one-third of it? A. Just one-third of it.

Q. Don't you think the canal affects the whole of it? A. I don't think so. If I had thought so I would have added 15 per cent to the entire valuation, or to the entire area, rather.

The President: Well, does the canal parallel the yard in its entirety?

The Witness: It runs from the water front back at the northerly part of the yard only. It does not touch the southerly part of the yard.

Mr. Bain: And not to the extreme lower part of the yard?

The Witness: No. It doesn't touch the lower part of the yard at all.

Q. You are considering the property in one ownership? A. I am.

Q. And that this canal runs from the pierhead line back to the rear of it? A. I am.

Q. And having those facts in mind you think that it only is advantageous to one-third of the rear? A. That is my judgment.

Q. And your 15 per cent, I assume, was somewhat arbitrary? A. Absolutely; purely and simply a judgment of mind.

Q. You didn't make any comparison with any other similar property that had a canal situated as that? A. I don't think there is a similar canal that I know of anywhere that has been sold whereby we could get a comparison. You may find one on your examination, but I don't know where it is.

Q. Well, why is it, Mr. Ryer, that in some instances you take and divide property up as you do here the Delaware, Lackawanna & Western Railroad Company, and take a piece 1,500 feet from the front to the back on the pierhead line and put one valuation on that and then put a valuation on the remaining portion and didn't do it as to others? A. Why, I don't know of anywhere that I haven't analyzed the water front from the back lands, anywhere where the back lands run back as far as these lands do. Of course, if you have got only sufficient land back of the bulkhead for water front use, that is all in the water front, but where you run back into the city with lands that are not required for your water front use, then you get a different zone of value in my judgment, and that is what I have done in every instance.

Q. You zone as you determine whether the property should all be considered as shore front property or whether a portion of it should be considered for some other use? A. No, I zone it in property that I think is water front with upland and the upland attached to that upland with water front in front of it all in one tract. But I have to make a separation, in getting at my analysis I make a separation of parts of the yard just the same as I say that a third of the yard has 15 per cent influence on account of the slip.

Q. You haven't separated any of these properties for the purpose of valuation because the State Board has divided certain areas? A. Oh, yes; I have had to do that. The only reason why I have taken the Jersey City yard in the manner that I have and the area that I have is due to the fact that that is the manner and the area that the State Board has assessed, and that is why I am giving you the valuations on this one particular piece instead of on the entire yard at one time.

Q. Well, the State Board didn't divide— A. Well, they divided it up into the Jersey City and Hoboken yards. I don't mean to say that I have taken my back lands and front lands because the State Board has; I mean I have taken the yards assessed as the Jersey City and Hoboken yards and not the entire Lackawanna tract in Jersey City and Hoboken because the Board had divided it. I thought that was what you meant when you asked the question.

Q. Your line of 1,600 feet back, that is also an arbitrary line, is it not? A. Purely arbitrary.

Q. You can't tell us why you make it 1,600 feet instead of some other depth? A. Certainly I can, if you ask me.

Q. All right, I will ask you? A. The reason I make it 1,600 feet is that I need or require a sufficient amount of upland in conjunction with the water front, and 1,600 feet was the line that I considered as being a proper line to take to give me a sufficient amount of upland with the water front.

Q. I suppose each piece of property would depend— A. Entirely upon its development.

Q. On its development as to whether you would take 1,600 feet depth or some other? A. Most assuredly. The New York Central on the ferry, for instance, was only a thousand feet; this, in my judgment, was 1,600 feet.

Q. Now, then, when you have divided the property do you take the back portion of it as comparable with the back land, or do you consider the shore front property? A. I take into consideration that it is attached to shore front property, and the shore front property, the sales of back land, such as the recent purchase of the D., L. & W. in their yard, and all the sales that I know of.

Q. Well, the recent purchase of the D., L. & W. is not attached to the yard, is it? A. Oh, yes. It is part of this back land that we are appraising. It is a line cut out of Henderson Street. They have just acquired it.

Q. Was it separated by a city street? A. Oh, not at all. It is part of this land. In other words, it cleans out Henderson Street for the D., L. & W. entirely. There is no separation whatever other than a property line, there wasn't until they bought it, between the yard and this property.

Mr. Bain: You are speaking of one particular property?

The Witness: That is all. I am merely speaking of one particular piece of property that was just purchased. That is on the easterly side of Henderson Street in the yard, the last piece; they have just acquired it, 50 by 65 feet.

Q. What is the area of this little piece of property

up here purchased by the— A. It is 50 by 60, or 50 by 65. I have the area here, if you want it.

Q. It didn't help you very much, did it, that little piece of land? A. No, only in conjunction with a number of other sales that I can give you there. I merely mention that fact—

Q. You think a little piece of property like that would be of any help? A. Oh, yes; of considerable help.

Q. Let's have the sales? A. All right, I will give you that sale.

Mr. Stallman: There was a piece of property entirely surrounded by the yard.

Mr. Stout: I move to have the remark of Mr. Stallman stricken from the record.

The President: Why this acrimony, gentlemen? I thought you had been getting along so nicely.

A. Block 19, Lots 21 and 22, March 22, 1921, Rosanna Hunter and Marie Cosinick to the Morris and Essex Railroad Company, consideration $4,750, located on the easterly side of Henderson Street near 18th Street, part of the D., L. & W. yard, 50 feet front by 62 feet deep, with a three-story frame building thereon; 3,100 square feet; building value $1,400, land value $3,350, .071 acres at $47,044 per acre, or a dollar and eight cents a square foot.

Q. What do you know about building values? A. What do I know about building values? I have been appraising them for the last twenty years.

Q. Buildings? A. Yes. Buildings; yes; many, many, many of them; many buildings I have ap-

praised in the last twenty years. Come up to the office and I will show you some of them.

Q. You haven't bought or sold any buildings, have you? A. Oh, not over a thousand or two thousand, or three thousand.

Q. I mean separate from the land? A. No, I haven't bought any buildings separate from the land. I bought them with the land, and I made a study of their value as separated with the land; we usually sell them together.

Q. Doing any building in 1921? A. No; I didn't do any building in 1921. Things were too high.

Q. And were you sufficiently familiar with the cost of building materials and labor so that you could put a proper appraisement on what it would cost to reproduce a building? A. I didn't go into the cost to reproduce. I simply went into valuation.

Mr. Stallman: May it please the Board, I think Mr. Stout didn't hear that testimony that this three-story building is only valued at $1,400.

The Witness: $1,400.

Mr. Stout: Well, a three-story building might not be worth anything.

The Witness: Well, it was; and Fred Dunham will tell you what it was worth. He saw it. We only put a very low value on the building. In fact, I think that was the assessment on it.

Q. What would that be, Mr. Ryer, per acre? A. $47,044 per acre.

Q. And the value that you put on the yard, the rear portion, was $45,000, wasn't it? A. The valua-

tion that I put on the rear yard was $45,740.

Q. Do you consider that a fair sale to the Lackawanna? A. Why, I should say so, by all manner of means, yes.

Q. You think that helped you a whole lot? A. I didn't say it—

Q. Well, how much did it help you? A. Why, in conjunction with the rest—would you like to have me name you the rest of the sales back there?

Q. Not yet? A. In conjunction with the rest of the sales it helped me.

Q. Well, then, Mr. Ryer, will you give us the other sales that you have, contiguous to the yard? A. Block 226, right directly back of the yard. You have to get the other map. It is right in back there, Lots 18, 19 and 20, December 22, 1921, William Byron to the Hudson Realty Company, consideration $6,000, Grove Street between 18th and 19th Street.

Mr. Dunham: They are not in the terminal yard.

The Witness: I didn't say they were. He asked me back of the terminal yard and I distinctly said back of the terminal yard.

Q. I said contiguous? A. Well, this is contiguous. It is right next to it; it is right the next block; here is Henderson Street, the next is Grove. What do you call contiguous?

Mr. Stallman: Now, he asked for it and I submit it ought to go in.

Mr. Stout: Nobody is objecting to it going in.

The Witness: No, I thought you meant nearby when you said contiguous. I am only going within a block.

Mr. Stallman: Right across the street.

Q. Have you any sales closer than that? A. You can't get them any closer and not get in the yard. Outside of the yard sale I gave you, the rest are right in the next block, right next to it.

Q. Have you got any sale in Block 154? A. Yes, we have the Jarvis sale, that has been before this Board. This Board has the Jarvis sale.

Mr. Stallman: The question was, give us the sales of adjacent land, and this property to which Mr. Ryer has referred, being in Block 226, is immediately adjacent to the railroad property on the westerly side of Henderson Street. This railroad doesn't stop at Henderson Street. It still continues a little bit west of Henderson Street, and goes out towards the meadows, and this Block 226 is immediately adjacent to that. So I think it is contiguous to the Railroad and as long as counsel on cross-examination has asked for it he has no right now to shut off the witness.

The Witness: The last I said was Grove Street between 18th and 19th street, 75 by 100, vacant land, $7,500 square feet at 80 cents per square foot, $34,848 per acre.

Q. You consider that contiguous, do you? A. I do.

Mr. Stallman: Just a minute. He didn't finish his answer and I am going to ask him—

The Witness: I haven't finished yet. I was going on with the other sales.

Mr. Stallman: I want to ask the Board whether it has any record of the completion of the answer which Mr. Ryer started regarding a sale of Lots 18, 19 and 20, in Block 226, Byron to the Hudson Realty Company, $6,000—whether he gave any data after the rate per acre or rate per square foot.

The Witness: Yes, I just gave it. I went on and gave the answer after the colloquy.

Mr. Stallman: All right; I stand corrected.

The President: I think your pause indicated a period.

The Witness: I went right on from where I broke off. When they broke in on my other answer I also stated that the Jarvis property sale had been before this Board many, many, many times; they have it. I can give it to you again, if you wish it.

Q. Yes, we would like to have it? A. I haven't got it with me because I knew they had it and I understood they didn't want anything they had had before and I didn't burden myself with the thousands of books I have got. So I am only giving you the new sales. The Board knows the Jarvis sale but if you want me to I will get the full facts and bring them tomorrow morning.

Q. We would like to have it? A. All right. These sales they haven't had.

A recess was here taken until 2 o'clock P. M.

After recess.

THOMAS A. RYER resumed the stand.

Cross-examination continued by Mr. Stout:

A. (Continuing.) Block 226, Lot 10, December 2, 1921, I. Goldenhorn to Hudson Realty Company, consideration $5,200, 170 18th Street, 25 by 100, three-story frame dwelling, building value $2,700, land value $2,500, $1.00 a square foot, $43,560 an acre.

The President: Was that purchased by Mr. Goldenhorn?

The Witness: No, by the D., L. & W. Railroad Company.

The President: From Mr. Goldenhorn?

The Witness: From Mr. Goldenhorn.

A. (Continuing.) Block 226, Lot 11, 1921, Estate of Tonnele to Hudson Realty Company, consideration $2,000; 172 18th Street, 25 by 100, vacant, 80 cents a square foot.

Block 293, Lots 21 and 22, January, 1921, Feeb A. Watson to Union Trust Company, consideration $4,400, 836 and 838 Jersey Avenue, 50 by 100, vacant, 5,000 square feet, at 88 cents a square foot.

Block 293, Lots 19 and 20, 1921, Charles C. Hettinger to Union Trust Company, consideration $5,500. 832 and 834 Jersey Avenue, 50 by 100, vacant, 5,000 square feet, $1.10 a square foot.

I might say in relation to that sale, Mr. Hettinger had a permit to put up a building at the time the purchase was made.

Block 19, Lots 21 and 22, March 22, 1921, Rosanna Hunter and Mary Cosinick to Morris & Essex Railroad Company, consideration $4,750, east side of Henderson Street near 18th Street, part of the D., L. & W. yard, 50 by 62, 3,100 square feet, .071 acres at $47,044 per acre, $1.08 per square foot.

Block 293, Lots 10 to 17, inclusive, December 6, 1917, Estate of Carroll to Charles H. Keys, consideration $13,750, 204 to 218 18th Street, 202 feet on 18th Street, 16,000 square feet at 86 cents a square foot.

Block 365, the whole block in 1918 from various owners was sold to the Continental Can Company for $65,500, 80,000 square feet at 82 cents a square foot, which is bounded by 15th, 16th, Coles and Monmouth Streets.

In 1916 and 1917 all of Block 366 was purchased from various owners by Armour Company, consideration $80,000, bounded by 16th, 17th, Coles and Monmouth Streets, 80,000 square feet, at $1.

On June 1, 1920, I personally sold Lot 32, Block 287, Kelleher to Carr, consideration $2,500, 25 by 100, No. 243 12th Street. I have a number of sales here I personally made on 12th Street, but I haven't analyzed the land values against the building values. Do you want those in?

Q. No? A. I have that in the office but not on this sheet, didn't have time to get it up. I personally made those sales myself. There are about nine.

Q. I don't think it would be any help to us in this? A. Just as you say; that was within the last year.

Q. That is all? A. That is all in the Lackawanna, yes.

Q. These sales extend from Henderson Street back to Monmouth Street? A. They do.

Q. Are they all sales by private contract? A. Every one of them.

Q. In your opinion was each sale at market value? A. I don't know that; I would have to take each particular sale and go over it again to tell which in my judgment was at market value and which was not. They were very nearly market value, I will say that.

Q. And the lands involved in those sales, in your opinion, are not as valuable as the back lands of the D., L. & W. in Jersey City? A. It is not, and I haven't made—I have made the lands in the back of the Lackawanna yard more than these sold for.

Q. Would you say that the Jarvis sale was at market value? A. Very nearly, yes; that was the Block 154.

Q. Yes. Now, referring to the next tract of the D., L. & W., known as Hudson Terminal, Block 139, Henderson Street, to pierhead line, consisting of 40.068 acres; did you value that as one tract or did you segregate it as you did the part of the yard which is located in Jersey City? A. I valued that as one tract and part of the entire railroad yard but separated my valuations.

Q. In other words, you put different valuations on different parts? A. Different parts, I did.

Q. What depth did you put to the front piece? A. 700 feet front, average of 1,600 feet in depth; I valued at $70,800 an acre, or $1,706,720.

Q. That is the same valuation as you put upon the piece in Jersey City? A. It is. $2,600 a front foot, the residue of 15.957 acres I valued at $47,343 per acre, with the valuation of $755,460, making the total valuation for the Hoboken yard of $2,462,180.

Q. Why did you put a higher value upon the rear portion of the yard in Hoboken than you did upon the rear portion of the yard in Jersey City? A. Due to the fact I had a frontage upon Ferry Street in the Hoboken yard, which was worth more money in my judgment than the rear of the Jersey City yard. That increased my acreage value for the rear of the Hoboken yard over the rear of the Jersey City yard.

Q. Doesn't the rear of the yard in Jersey City derive any benefit from the fact that the portion of the yard in Hoboken is upon Ferry Street? A. I don't think so; the frontage on Ferry Street is used for freight houses and those purposes and there are buildings which practically cut it off from the rest of the yard.

Q. And how much did you add for the advantage of being on Ferry Street? A. I made the Ferry street frontage at $1.20 a square foot.

Q. And the other at $1.00? A. The other part of it I made at $1.00 a square foot.

Q. Twenty cents a square foot difference? A. Twenty cents extra for the Ferry Street frontage.

Q. And I assume that was merely your judgment or an arbitrary figure? A. It was an arbitrary figure but based on investigation I had to make through their values from time to time.

Q. What do you mean through their values? A.

Well, I had to make an estimation through there for values in my Public Service Railway appraisal.

Q. You consider the Ferry Street frontage of greater value than the Henderson Street frontage? A. I do.

Q. Or the Provost Street frontage? A. I don't think there is any—well, there is a very small frontage, if any, on Provost Street, I haven't the map here; for the frontage on Provost Street I didn't add anything; I took into consideration the fact it did have a frontage on Provost Street, 13th and 14th; when I made my valuation of a dollar I took the entire matter into consideration, but it is a very small front on Provost as compared with the very large front on Ferry Street.

Q. Do you consider this yard of the Lackawanna more valuable than any piece of shore front property north of it? A. I do not.

Q. Going up to the Hudson County line? A. I do not.

Q. What property north do you consider more valuable than this? A. The Hamburg-American and North German Lloyd.

Q. In Hoboken? A. In Hoboken.

Q. And that by reason of its use or the uses to which it can be devoted? A. Yes.

Q. You think that a steamship use is a more profitable use than a railroad use? A. I don't know that but I think the passenger service, steamship service is about as high a use as you can get, due to the fact they usually pay a higher price for things and their requirements are greater, they require greater depth for piers and require transportation facilities.

Q. So in your opinion a passenger use calls for a— A. Higher classed property.

Q. A higher classed property? A. I should say so.

Q. That is just a matter of judgment? A. I suppose so.

Q. How does the pier property in Hoboken compare in value in your opinion with the Cunard purchase?

Mr. Stallman: Are you speaking now of the Hamburg-American property?

Mr. Stout: Yes.

Mr. Bain: Compared with the Cunard purchase, as compared with the price paid for the Cunard property?

Mr. Stout: Yes.

A. Comparing the price paid for the Cunard property with the price paid for the Hamburg-American and North German Lloyd, I should say the Hamburg-American and North German Lloyd were less valuable; comparing the properties I should say the Hamburg-American and North German Lloyd was more valuable.

Q. Comparing the properties you say the Hamburg is more valuable than the Cunard? A. I should say so, but comparing prices it is the reverse.

Q. You determine values by prices or by intrinsic value of the property? A. Both.

Q. You use both? A. Yes, use everything that I can lay my hands on.

Q. When you take and analyze a sale and you reach the conclusion that it is not at market value isn't that due to the fact that you think that the property is either worth more or less based upon your opinion? A. If I decide that the price paid for the property is not market value it must be so.

Q. And if the property was sold to the Cunard at market value then you would put a higher value upon the Hamburg property? A. I think so.

Q. You don't know how much more, do you? A. I don't know.

Q. Did you use the sales of the Hamburg-American to the United States Government in arriving at your valuation of the Hoboken terminal of the D., L. & W.? A. I did for what they were worth in my judgment.

Q. What do you mean, what the property was worth or what the sales were worth? A. What the selling price of the sale indicated in my judgment as to value.

Q. Did you consider the sales to the United States Government at market value?

Mr. Stallman: I object to that; counsel stated yesterday he didn't consider it as a sale.

Mr. Stout: He said he considered it and therefore I think we are entitled to know.

Mr. Bain: It is hardly fair to attack an arbitration award under the jurisdiction of the United States Government.

Mr. Stout: What do you mean, it isn't fair to attack it?

Mr. Bain: I don't know that the State can attack the Federal Government.

Mr. Stout: The witness may have an opinion as to whether they paid too much or too little.

A. I might say, I think it was an honest effort on the part of the Government to pay market value for

the property they took over. Whether or not that was the market value was another question.

Q. What do you think? A. I don't think it was.

Q. Too low, wasn't it? A. I think so.

Q. The next piece of property, Mr. Ryer, shown on your appraisement sheet as a lot in Hoboken, lower ferry, in Block 230, described foot of Hudson place to pierhead line, consisting of 10.315 acres, at the rate of $80,000 an acre; how did you arrive at that? A. I valued that at $80,000 an acre flat for the 10.315 acres, making a valuation of $825,200. It is a difficult piece of property to analyze due to the fact it has only a very small part of upland at a very high valued point running out in fan shape in front of the bulkhead line to the pierhead line, and part of it in front of the Hoboken yard of the D., L. & W. Railroad Company.

Q. Did you divide this property for the purpose of appraisement? A. I did not.

Q. How does the property of the International Elevating Company compare with this in value? A. I don't think you can compare it.

Q. Did you use that sale? A. I did.

Q. What is the depth of this ferry property from the pierhead? A. 698 feet from the pierhead line to the existing bulkhead line on the northerly side and an irregular line on the southerly side. The entire depth of the northerly line from the plaza is 890.75 feet from the pierhead back to the interior shore line.

Q. How deep is the International Elevating Company property? A. The International Elevator property has a depth of about 600 feet from the pierhead line to the Government bulkhead line on the southerly line, and about 560 feet on the northerly

line from the pierhead line to the Government bulkhead line, and from the Government bulkhead line to the interior shore line it has a depth on the southerly side of 170 feet and on the northerly line of 168 feet. It has a width of 264 1/2 feet on the shore line.

Q. What is the average depth or total depth? A. The total depth of the whole thing?

Q. Yes. A. 734 feet.

Q. What is the total depth of this ferry property under consideration? A. 890 feet.

Q. What is the width of the ferry property? A. It has no width but many widths: I will tell you, it is an irregular shaped parcel at the shore end it has a width of 72 1/2 feet, runs down to 97.41 feet and has a width of 216 feet plus more. Then it goes, it runs toward the east and to the north 100 and some odd feet and it runs from there out to the pierhead line in front of the Hoboken yard and has a frontage of 643.15 feet on the pierhead line, whereas on the Government bulkhead line it only has a width of 351.44 feet. It is a very irregular shaped piece of property.

Q. What is the average width between the pierhead and bulkhead? A. I couldn't tell you that without calculation, due to the fact it goes in and out, it runs in here and then runs back again between this line and that line. I can figure it for you if you want it.

Q. You call that a very irregular piece of property, do you? A. It is in shape.

Q. Which piece of property in your opinion is more favorably located, this ferry property or the International Elevating Company's property? A. I should say the ferry property.

Q. Could the International Elevating Company's property be devoted to the same uses as this property? A. I don't think so, I don't see how you could put a ferry on the International Elevating Company property, for one thing.

Mr. Bain: You couldn't have a ferry franchise.

Mr. Stout: You will be the next witness.

Mr. Bain: You are calling for a conclusion.

Mr. Stout: I have a right to ask the question.

Q. So you consider this more valuable property than the International? A. I have so stated in my appraisal.

Q. You consider back land in arriving at that valuation? A. I did, I took the small area of back land into consideration, it is a plaza.

Q. You didn't put a separate valuation on it? A. I did not.

Q. If you took into consideration the valuation of back land in arriving at the valuation of the plaza as tied up to the whole tract can you tell us how much you depreciated the value of the whole by reason of that fact? A. I didn't—

Mr. Stallman: I object to that because there is no evidence the value of any part of it was depreciated.

Q. You don't consider the plaza part of this property as valuable as the property immediately on the

pierhead line, do you? A. On the pierhead line where? This is on the pierhead line.

Q. I mean the plaza, this part back here, do you consider that as valuable as the land immediately next to the pierhead line? A. More so.

Q. You do? A. Yes.

Q. This is an instance where the back land or plaza is the most valuable part of the tract? A. It is in every instance. I never made an appraisal yet on water front where the bulkheaded filled land was not of a higher value than the land under water. This was bulkheaded but a very small amount due to the fact of the plaza.

Q. What value did you give to the plaza? A. Didn't place any value on it. I took it in the aggregate, saying the entire property as it is there is worth so much per acre at the foot of Hudson Place.

Q. If the plaza or the upland is of a greater value in your opinion than the land under water didn't you have to consider what the land under water was worth and then what the plaza was worth to arrive at your average value for the whole tract? A. I took that into consideration in making my valuation of $80,000 an acre but I didn't separate it.

Q. You say it has a higher value? A. Yes, for a very small piece of property of upland.

Q. But you can't tell us how much more valuable you considered the plaza to be than the land in front of it under water? A. I could analyze that for you if you wish me to, it would be a matter of calculation. I can take the yard to the south and find out how much I placed on the land under water for the bulkhead and I have to add to this the fact it is the foot

of Hudson Place and add it into my land valuation, if you want it. I haven't done it in this case.

Q. You couldn't put that on a percentage basis? A. I couldn't; it would have to be purely a matter of calculation, and the final figures would be my judgment just the same as my judgment is $80,000 an acre for the whole. When I got through you add the value of the land I give you under water and the value of the upland I give you and you will have $80,000 an acre for this entire tract just the same.

Q. You are not prepared to tell us now the valuation you would put upon this plaza valued by itself? A. I am not.

Q. Take the next parcel, the Manor property, Block 260, described foot 11th Street, Hoboken, consisting of 7.621 acres; is your valuation $56,628 an acre? A. It is; I valued 332.88 feet at 900 foot average in depth at $1,300 a foot, $431,561, 7.621 acres at $56,628 an acre.

Q. Did you consider that property more valuable or less valuable than the International Elevating Company property? A. I didn't consider it in that manner; oh, you mean do I—I consider this property less valuable than the International Elevating Company property dollar for dollar. I thought you meant did I compare them.

Q. Can you point out any particular sale that was helpful in your arriving at the value of this particular piece of property? A. No one sale more than another because there is not anything I know of sold just like that outside of the particular parcel itself.

Mr. Stallman: When was that sold?

The Witness: That was sold in March 22, 1916, for $440,000, $450,000 rather, at $59,045 per acre.

Q. Did you consider that sale at market value? A I did not.

Q. Too high? A. I thought so.

Q. Is it worth more in your opinion now than it was then or as of January 1, 1921? A. It may be worth a little more today than it was at that time.

Q. 1916? A. Yes.

Mr. Bain: You say today, you mean January first?

The Witness: I presume he means January 1, 1921.

Mr. Stout: Yes.

Q. You couldn't tell us how much more? A. No, I made no appraisal of it at that time.

Q. Your valuation of that property is $431,561? A. It is.

Q. Although it sold in 1916 for $450,000? A. It did, from one railroad to another railroad and cut up a railroad shop parcel. It was part of the parcel under appeal in this case in the Pennsylvania Railroad Company.

Q. In your opinion the seller was getting more than what it was really worth? A. I thought so.

The President: It was a transaction between railroads?

The Witness: Yes.

The President: They sometimes exhibit a philanthropic side in dealing with each other.

The Witness: I don't think they did in this instance.

Q. You don't know of any instance, do you, where they have done that? A. There may be some but I can't recall them offhand. That has not been the way they figured it in my judgment or where I have been called in to give a valuation.

Q. In your opinion based upon the sales that you have studied railroads generally pay more than land is worth? A. In many instances they have, yes.

Q. Do you know of any instance when they didn't? A. Yes, yes, I know of a great many instances where they didn't.

Q. Where they bought land for less than its market value? A. I didn't say so. I know where they bought it for its market value; I bought a lot myself; I thought I bought it at market value, a good part of it. Last year I bought a number of pieces for the railroad.

Mr. Bain: Nobody knew you were buying for the railroad?

The Witness: No, they didn't; if they had I wouldn't have bought it at market value.

Q. You are sure of that? A. I am quite sure, but they didn't find out until after I bought it.

Q. You have known railroads to sell property to individuals that they sold at more than market value? A. They very seldom sell to individuals and when they do it is usually at market value, but when they sell to a contending company they don't sell at market value in my judgment. When they do sell at market

value as they did on the boulevard at market value property that goes to an individual not for improvement that goes at market value, in my judgment, because there isn't a chance of getting a higher price than market value from the general public or the small men, in other words.

Q. Take the next tract known as— A. Ocean Steamship Company.

Q. Yes, Ocean Steamship Company, Block 240, acreage 16.136, average valuation $60,000. A. I placed a valuation on that 540 feet front of $1,800 a front foot, $60,000 an acre, and a total value of $968,160. That property was sold on December 29th, 1915, from the Ocean Steamship Company to the Hudson Realty Company; the consideration was $945,000; the area was 16.135 acres, at $54,227 per acre, deducting $70,000 for the piers and structures.

Q. Do you consider that a fair sale? A. I did.

Q. That property you considered more valuable than the tract that you just testified to? A. The Manor?

Q. Yes. A. I do. This has frontage on Hudson Street and the Manor has not.

Q. Do you consider it more valuable even though the Hudson Realty Company paid more per acre for the other tract? A. I do.

Q. Was the selling price of this particular piece of property, the Ocean Steamship Company property, the most helpful thing that you had in arriving at the value of it? A. It was, in addition to the sale of the American Warehouse & Trading Company to the Government, the piece next directly north, on which I fixed the value for the Railroad Company in 1917.

The Government bought that for the same price as the Ocean Steamship Company sold for in 1916, June 30, 1917, the Government paid the same price per square foot for the American Warehouse & Trading Company piece, which is directly north, with 190 feet front, the same kind of property with the exception it has a lesser width on the street and on the pierhead line.

Q. Mr. Ryer, your increase in valuation over the purchase price, does that evidence the increase in value of the property between December 29, 1916, and January 1, 1921? A. Between when—it does, 1915 and 1921, it does.

Q. Take the next piece of property, the upper ferry basin, Block 263, described as south side upper ferry, Hoboken, consisting of 1.525 acres valued at $52,272 per acre. A. That has a width of 69 feet on the pierhead line, an average depth of 963 feet, is all land under water and I valued that at $1,150 a front foot, or $52,272 an acre, a total valuation of $79,714.

Q. How did you get at that odd figure? Were there some deductions made? A. There were no deductions made; that was my idea of the value of it.

Q. You are getting down to a pretty fine point where you can get down to $2.00 an acre. A. Where did I do that?

Q. You have $52,272. A. That is simply because I divided the area in the amount I got; that is purely a matter of calculation, nothing else. I took the front footage of 69 feet, which was an odd amount, and it gives me an odd total; I took that at $1,150 a front foot and got $79,714, divided that by .525 acres and

got $52,272, or $1.20 a square foot. Those are purely calculations.

Q. In other words, you didn't place a valuation per acre and multiply that by the area? A. I did not.

Q. You said the whole tract is worth so much? A. I said it is worth so much a front foot and that gives me $52,272 per acre.

Q. I suppose you used all the sales and all your sources of knowledge of back land and shore front land? A. My answer is the same right through, the same, the same.

Q. Always the same? A. Always the same.

Q. Lot known as Main Stem, Jersey City, terminal yard, Block 19, described as Henderson Street to Hoboken line, consisting of 3.240 acres. A. I valued that upon an acreage basis, the same value I placed on the Jersey City yard, $56,200 or a total value of $182,088.

Q. Did you arrive at your valuation there by saying that the whole thing is worth so much? A. This is part of the yard.

Q. And dividing by the area? A. Yes, because the main stem runs through there somewhere, and I took that as being part of the yard and applied that average price to it, it is the only thing you can do. In the same manner I took the next parcel, the main stem, Hoboken terminal yard, of 3.728 acres, and I applied my average value per acre of the Hoboken yard of $61,450 per acre to the area of 3.728 acres and it gave me a value of $229,085.

Q. In other words, you took the average valuation of the whole Hoboken yard and applied it to this? A. Main stem as being part of the yard. I had to take the Hoboken main stem in the Hoboken part

and the Jersey City main stem in the Jersey City part because that is the way it is assessed.

(Witness refers to Erie Railroad schedules.)

Q. The first parcel there is main stem, what is that, Kearny? A. Kearny.

Q. Block 1435, description entire main stem? A. That is right.

Q. Area in acres, 3.790.

Mr. Bain: That is the Arlington Railroad.

Q. Are you conversant with values in Kearny? A. I am. This is the entire main stem of the Arlington Railroad Company and runs from the New York and Greenwood Lake Branch over to the Newark and Hudson River.

Mr. Bain: Newark and Hudson?

The Witness: Newark and Hudson Railroad Branch of the Erie, and I valued that in two parcels, one parcel of 1.6 acres at $1,500 an acre, making a total of $2,400; and 2.19 acres at $500, making a total of $1,095. I have got 3.79 acres with a total valuation of $3,495.

Q. What do you base that on? A. On the sales. County Block 1435 on March 28, 1916, the Newark Factory Sites Company sold to the Seaboard By-Products Coke Company for a consideration of $77,168 an acre of 37.42 acres at $2,050 per acre. On October 6, 1916, the Newark Factory Sites Company sold to the White Tar Company for a consideration of $12,000 on the Belleville Turnpike to the Hackensack River 8.749 acres, at $1,371 an acre. On January 22, 1917, the Newark Factory Sites Company sold to

Thomas A. Edison for $13,620—

Mr. Bain: An acre or total?
The Witness: Total.

A. (Continuing.) —land on Belleville Turnpike to the Hackensack River 8.52 acres at $1,598 an acre.

On July 14, 1911—on September 16, 1917, the Newark Factory Sites Company sold to James H. Rhodes Company, consideration of $13,300, land on the Belleville Turnpike running to the Hackensack River, 7.92 acres at $1,679 an acre.

On April 20, 1911, the Newark Meadows Improvement Company sold to Martin Dennis for $17,750 land on the Belleville Turnpike running to the Hackensack River 24.93 acres at $736 an acre.

On May 27, 1920, the Newark Factory Sites Company sold to the Seaboard By-Products Company for $225,000 land north of the old Erie abandoned right of way to the Hackensack River and south of the Thomas A. Edison property, 81.487 acres at $27,610 an acre.

Mr. Bain: Twenty-seven thousand? $2,761 per acre. There was about 8,850 feet frontage on the Hackensack River in that sale.

The Witness: On July 14, 1911, there was an option for a parcel of 287.9 acres.

Mr. Stout: An option I don't think is applicable.

Mr. Bain: No, I agree with you.

The Witness: All right.
Mr. Jess: These sales all had reference to this?

The Witness: Meadowland, yes.

Mr. Jess: This one property you are considering now?

The Witness: No, these sales all represent valuation for all of the following properties, they all come in the same zone. I didn't want to repeat that this sale and another sale and so many sales applied to each one.

Mr. Bain: These sales you have been giving are all sales of property on the Hackensack Meadow?

The Witness: North of the turnpike, where these properties under assessment are located.

Mr. Bain: So that they are all sales of land situated in the vicinity of the railroad rights of way across the Hackensack Meadows?

The Witness: They are.

A. (Continuing.) March 21, 1911, Jacobson to the Town of Kearny, $14,500, 22 acres, at $660 an acre.

On March 31, 1910, Horton to Johnson Construction Company, $25,000, 90 acres. I don't think that comes in under the section, that is over the piece of property on the Passaic River at the foot of the hill, I don't think that comes in, I don't think that would affect this property, I withdraw that.

Q. Mr. Ryer, did you value this particular property based upon those sales? A. And my knowledge of properties for sale in there, what is being asked for it, and what is being done; there is practically no property sold, in fact, there is not any property sold that

I know of north of the Pennsylvania elevated line on these meadows where these rights of way go through.

Q. How near is the nearest parcel of property that you refer to from the property here under consideration?

Mr. Bain: That is this particular parcel?
Mr. Stout: Yes.

A. The nearest one to that is the several sales from the Newark Factory Sites Company to White Tar, Edison, Rhodes and Dennis. Those are all properties running together just south of the Pennsylvania main line between the Belleville Turnpike and the Hackensack River, and they all have river frontages and this property has not, this property runs along through down—

Q. Do you consider this property— A. It doesn't reach them but it runs down in that direction.

Q. Did you consider this property more valuable than those properties involved in those sales? A. I considered the part that runs through the plants $1,500 an acre, and the part that runs north of the high speed line $500 an acre. I consider the sales of more value than this right of way.

Q. These properties that were sold are unimproved meadowland? A. Yes.

Q. This is an improved piece of railroad property? A. I didn't take it as such. My appraisal was made as an unimproved piece. I am basing my valuation on surrounding lands.

Q. It had fillings and track? A. It had, but I didn't appraise the filling and tracks.

Q. Didn't you consider the filling to be a part of the land? A. I did not.

Q. You don't consider filling to be a part of the land? A. It all depends entirely on what it can be used for; it can be used for nothing but railroad purposes; I took it based on my value of surrounding lands this right of way would be worth so much money. That is what I have expressed in my appraisal.

Q. Did you consider what this property would bring in the market if the Erie Railroad Company wanted to dispose of it to some other railroad?

Mr. Bain: You ought to understand that gradation is the subject of a separate assessment on main stem property.

The Witness: That is what I thought. That is why I didn't take it.

Q. I understand that, but answer my question. A. If some other railroad wanted it?

Q. Yes. A. It would pay more than the value I placed on it, of course, because they would be getting tracks and fill, something more than I am valuing. I placed no value on the tracks and fill.

Q. Did you appraise it as a continuous strip of right of way property? A. I did not. I considered it a piece of land with other pieces of land through here for railroad use, running through a territory.

Q. You didn't give it any additional value by reason of the continuity? A. I did not.

Q. And did you place a higher or lower value than you would upon the adjacent land on either side? A.

I placed the same value as I would on land on either side.

Q. As a general proposition is a right of way through lands owned by others more valuable or less valuable than the adjoining lands? A. They are more costly.

Q. Well, more costly? A. Because you have damages in cutting up property, in getting through; I don't mean to say you can buy this right of way through there for any such price as I put upon it because I don't think you can because you would have to pay damages for separating some parcels perhaps, or whatever injury was done in separating parcels.

Q. You considered market price? A. Of surrounding lands as the fair valuation for it.

Q. Did not the market value of the particular piece of land— A. I have not taken that into consideration, what you would get with the fill and tracks on it for railroad use. I think you would get a great deal more money, of course, for it.

Q. The next piece of property west? A. That is the main stem in the terminal yard north of Pavonia Avenue.

Q. In Jersey City? A. In Jersey City, in Block 17, consisting of 6.257 acres, and I valued that at $58,900 per acre, or a total value of $368,537.

Q. That is all back land? A. That is the average value I placed upon the entire parcel north of Pavonia Avenue, being the Erie yard, the average value per acre.

Q. What is the area of that? A. The area is 6.257 acres, it is the main stem running through the north yard, it does not show on the map.

Q. That is back land, isn't it? A. Yes, that is part of the yard, I treated it as part of the yard.

Q. And used your Hoboken sales as criteria of value? A. No.

Q. What did you use? A. I used all the sales I had knowledge of.

Q. You used those, too, didn't you? A. Certainly, in conjunction with the rest; I didn't use those particularly.

Q. Weren't they of the most value to you? A. Oh, no, not in the Erie yard. The most value I got there was when I bought the stuff back of the Erie yard, sold it last year. I made several sales personally back of that yard last year.

Q. Are you valuing the Erie yard by the sales of back land? A. In conjunction with the sales of water front and my general knowledge of values throughout, yes.

Q. You couldn't say whether the sales of the back land were the most controlling influence? A. I couldn't; I have to take all the facts into consideration in making my valuation.

Q. Did you divide this Erie yard into different sections? A. For the purpose of making the—

Q. Valuation? A. —valuation meet the State Board's assessments, yes, but only for that purpose. I took into consideration that the yards were as they actually were physically in making my valuation.

Q. You put your valuation upon it first and then cut it up to meet the— A. —requirements of the State Board. For instance, the main stem running down the northerly side of Pavonia Avenue didn't prevent me from putting my Pavonia frontage on

the north side of that to 100 feet in depth, although the main stem runs into it. I didn't take advantage of the cut up by the State Board to depreciate the value of the yard. I gave it full value as the yard existed.

Q. This whole tract you put in as back land, 6.257 acres? A. I didn't put it in as anything; I stated I applied the average value of the water front and back land in the entire yard to that. I would have arrived at a lower value if I had taken the simple back land figures, I didn't think that would be fair. You cannot find the main stem down there unless you happen to be a railroad man. I cannot. I took that as being part of the whole and thought that would be the proper way to do it.

Q. What is your reason for putting a higher valuation on the next parcel known as main stem in Block 218, .924 acres? A. You are getting into Grove and Henderson Street frontage, that is purely a local valuation. Grove Street is the main high valued thoroughfare running north and south; in that section the values are greater there than anywhere else outside of possibly Pavonia Avenue; Pavonia Avenue is the main artery east and west and Grove Street is the main artery north and south.

This has a frontage of 100 feet on Grove Street, 100 feet on Henderson and runs the entire length of Erie, of 11th Street, and while 11th Street at that point is unimproved Grove Street is improved and a business thoroughfare, and Henderson Street is improved.

Q. When you placed your value upon the whole yard and then cut it up into these various parcels to meet the descriptions as given by the State Board you had to add something to different parcels and

subtract from others the average value, did you not? A. I didn't do it that way. I took the parcels as they were and put my valuation on whatever parts of the yard came under that valuation. The next one will give you the lower part of the yard without the water front, if you want that.

Q. Yes. A. The next item is Block 16, B6, and is the terminal tract of the Erie Railroad south of Pavonia Avenue. That comprises 16.555 acres, which I valued at $70,500 per acre, making a total of $1,167,666. Do you want me to cut it up?

Q. Did you cut it up? A. I did.

Q. All right, slice it up. A. Pavonia Avenue has a frontage of 2,042.44 feet front, and I placed a value on that of $2.20 a square foot, making a total of $449,336.

Q. For what depth on Pavonia Avenue? A. 100 feet. That gave me an average value of $95,800 per acre on that particular piece. I then valued the land back of Pavonia Avenue running to the bulkhead on the easterly part of the tract of 2.5 acres at $65,340 per acre, or a total value of $163,350, and I valued the 9.367 acres remainder in the rear and to the west at $47,916 per acre, or a valuation of $448,829.

Q. And you added those values together and divided by the total average? A. To get my average area.

Q. Average valuation? A. Yes, my average valuation, because you have several units there, you see.

Q. You say that a portion of it you valued at ninety-some thousand dollars an acre? A. Yes, sir; that is the 100-foot strip facing on Pavonia Avenue, and is purely a lot value.

Q. Purely a lot value? A. Yes, sir.

Q. And you consider lots in that locality as of that value on January 1, 1921? A. I do.

Q. Then you valued that portion as building lots rather than railroad property? A. No, I valued it on the basis possibly of a building lot to get my $2.20 a square foot, but I took into consideration it was a railroad yard on Pavonia Avenue and the uses it was being put to today and any use it could be put to in the way of building lots. I took everything into consideration and allowed the largest value I thought it would sustain.

Q. Did you consider the railroad use a higher use than a building lot use? A. Not necessarily.

Q. You didn't? A. No.

Q. Did you add anything to the valuation by reason of its being tied up to shore front property? A. Surely.

Q. How much did you add for that? A. I can't tell you in percentage. I took that into consideration, as I told you before, knowing it was part of the land that went out to the pierhead line.

Q. If you based it upon a city lot valuation how can you say you added anything by reason of this— A. I didn't base it upon any city lot valuation because you won't find any city lot in there that ever sold for $5,500. I based it on the fact it was a frontage on Pavonia Avenue running off into a tract that had water frontage on the Hudson River.

Q. Do you mean to say you have no recollection of any lot sold in there for $5,500 an acre? A. Nothing other than the Erie purchase of this particular property, no, and no one else has. I

just bought land in back there on 12th Street at $2,500 a lot.

Q. How far is that from here? A. Just the northerly part of the yard, right where the tunnel is coming through.

Q. That doesn't mean anything? A. Well, maybe it doesn't.

Q. I mean so far as distance; I want to know the distance away. A. Two blocks back of the yard at 12th Street.

Q. Two blocks away? A. Two blocks away directly west, where the tunnel goes through, out of the northerly end of the Erie yard, it is going in there, it comes out at 14th Street, in front of the D., L. & W., but it goes in at 12th Street, that is the portal just inside the Erie yard, that is where I made the valuations for the widening of the thoroughfares and the plazas for the Tunnel Company, and I am also engaged now in the condemnation of all the lands for the plazas and widenings.

Q. Can you tell us how much you added to this property by reason of this water front connection? A. I cannot.

Q. Take the next tract? A. The next tract is the northerly yard in Block 17, Lot A2, terminal tract north of Pavonia Avenue, consisting of 67.830 acres, and I placed a value on that of 1,010 feet frontage on the pierhead by 1,689 feet in depth at $2,400 a front foot, or $2,424,000; the residue of 28.669 acres I valued at $54,900 per acre, making a total of $1,573,943, making a total valuation for the entire yard north of Pavonia Avenue of $3,997,943.

Q. How does the front portion of this property compare in value with the Cunard property?

Mr. Bain: The question is objected to unless counsel indicates what he means by the front portion.

The Witness: I was just going to ask that question.

Mr. Stout: As you have divided it.

A. I have divided the front portion into several parts, Pavonia Avenue and water front, which do you mean?

Mr. Bain: Do you mean for a depth of 1,600 feet back?

Mr. Stout: Yes.

Mr. Bain: All right, if you limit your question.

A. How does it compare with the Cunard property?

Q. In value? A. I should say it compared with the price paid for the Cunard very favorably. I put $61,900 an acre on the front here and the Cunard sale brought $63,538, so you can see they are very close.

Q. Which in your opinion is the more valuable?

Mr. Bain: I object to this question upon the ground it calls for a comparison of properties totally different in location and condition and is not within the rule by which the value of any particular property can be determined by comparison with the price paid for other property.

Mr. Stout: I think we are entitled to that information. Our witnesses may compare the Cunard property with this property, and I would like to know what this witness has to say as to

the relative values and I think it is proper if he is an expert.

Mr. Bain: I want to say to the Board that before there can be any comparison of properties it must appear that the two properties are substantially similar in condition and location and that there can be a reasonable comparison between the two. If that doesn't appear the price paid for the other property cannot be used as a matter of law for the purpose of comparison. I think that is the rule laid down in this state.

Mr. Stout: We are not asking for that.

(Question repeated.)

The President: The objection is overruled. The question may be answered.

A. These properties are so widely dissimilar that I don't know that I could make a comparison such as you ask.

Q. You used the Cunard sale, didn't you? A. Oh, yes.

Q. It was so widely different— A. Dissimilar. On the Cunard property you have got a basin and on this property you have no basin; you haven't any piers on the Cunard property other than the old coal pier, there you have a greater depth between the pierhead and bulkhead line in some instances than here. Here you have a greater depth in some parts and a lesser depth in others, so I don't see how you can make a comparison of the two properties.

Mr. Stallman: How about the water depth?

The Witness: There is a greater depth of water at the pierhead line of the Cunard than this property.

Q. You use water fronts in arriving at the valuation of a particular piece of property, although you can't make any comparison? A. Certainly; I use them in a general way the same as I use all the information I have.

Q. Go on. A. The next property is Block 16, Lot, Pavonia Avenue, ferry tract of land under water at the foot of Pavonia Avenue, it contains 2.816 acres, containing 130 feet front on the bulkhead line with an average depth of 945 feet, all under water. The southerly side has 940 and the northerly 950, and I averaged them at 945, and I valued that at $1,200 a front foot, or $55,700 per acre average price.

Q. A little more valuable than the front piece of the tract adjoining? A. I think so, at the foot of Pavonia Avenue, due to that fact. The next piece, Block 16, Pavonia Avenue, ferry property is very similar to the last piece, with the exception that it has a frontage of 147.09 feet on the bulkhead line and an average depth of 939 feet, and I valued that in the same manner as the other piece at $1,200 a front foot, or $176,508, $55,700 per acre.

Mr. Bain: The last parcel contains—

The Witness: 3.164 acres. That is directly to the south of the last ferry piece.

Mr. Jess: Do you mean pierhead instead of the bulkhead? Your schedule shows frontage on the pierhead.

The Witness: That could be the same thing; the pierhead would be the same thing, taking it on the straight instead of on the bias.

Q. You give the one parcel, that is the one consisting of 2.816 acres, a higher value per front foot than

you do the other? A. It is just a few feet deeper, that is all.

Q. Than the 3.164? A. As you go south the distance between the pierhead and bulkhead line is less.

Q. And you put in $5.00 for that? A. That is all so as to average the two. If I had taken this as one parcel it would have averaged out the two values together. If I took them together I would have put them all at $1,200 probably, so I gave you the benefit of the $5.00.

Q. What do you base it on? A. The same as the others, the same as all my water front appraisals.

Q. No particular sale helped you there? A. No one sale more than another.

Q. Could you tell us in your opinion what property along the shore front in the immediate locality is most nearly comparable with this? A. You mean in sales?

Q. No, in value.

Mr. Bain: That has been sold, you mean?

The Witness: I asked him in sales, but he means not, he means in value.

A. That is a piece of land under water with no upland, and it is a very difficult matter to apply to any other piece because you only get it, and you don't really get it there, at the foot of Exchange Place, there they have a little upland, here they have none at all, it is the street.

Q. Haven't they got the whole yard back of it? A. I understand they have, so has the Pennsylvania, so has the D., L. & W., at the foot of Hudson Place, but you are taking land under water and appraising that in

a separate manner. I placed a higher value on all those street ends under water for our use, for ferry use.

Q. Because you say of the use? A. I say that our use, for ferry use, they are the foot of the traffic; you will find higher valuations on your land at those points, higher than you will at any other point on your upland.

Q. How does this ferry property in your opinion compare in value with the Hoboken ferry property of the D., L. & W.? A. This in my judgment is much less valuable than the Hoboken and much less valuable than the Exchange Place ferry.

Q. Because it is not as extensively developed? A. The values are not there, the values at the foot of Pavonia Avenue are nothing in comparison with Exchange Place and Hudson Place. You have a much more valuable development in the rear.

Q. Doesn't the fact that the tube is here have any bearing? A. The tube was not there the last time I saw it; the tube is way up the street in the back end of the yard.

Q. That doesn't influence you? A. Not at all, not at the foot of Pavonia Avenue, because your tube is way up at Barnum Street.

Mr. Bain: How far away in feet?

The Witness: I should say a matter of—

Mr. Bain: Several city blocks?

The Witness: More than that. A matter of about 2,000 feet back of this particular property.

Q. You don't think that added anything to the value of this property? A. I have taken into consideration in giving you my Pavonia Avenue frontage, I

have taken into consideration in making my Pavonia Avenue $2.20 a square front that the entrance of the tube is there.

Q. And so the fact that the back land here does run up to the tube and the back land is tied up to the shore front property it did have some influence? A. It has got to have; in one general make-up everything influences value; I have taken it as one big whole.

Q. In your opinion does the ferry land add value to the back land or does the back land add value to the ferry land? A. The back land adds value to the ferry land.

Q. Take the next tract. A. The next piece is County Block 1435, main stem of the Newark and Hudson Railroad Company in Kearny. From the beginning to Arlington Railroad it is assessed as 1.102 acres, and the area supplied me by the Railroad Company is .560 acres. My valuation at $500 an acre is $280 on the company valuation.

Mr. Bain: On the company area?

The Witness: On the company area I mean.

Mr. Bain: I might say, may it please the Board, we will be prepared to show what the correct area is.

Q. Is that based on the value of adjoining lands on either side? A. It is; that is the same category as the Arlington Railroad.

Q. Nothing added because it is a strip of land running through a large territory? A. No.

Q. And does the same line of reasoning apply to the next tract? A. It does. That is also at $500 an acre. Do you want the lot and block number and all?

Q. I think that is sufficient. A. The next piece is $500 an acre.

Q. This property is also in Kearny? A. They are all alike, in Kearny.

Mr. Bain: The last two pieces you mentioned are parts of the main stem of the Newark and Hudson Railroad Company?

The Witness: They are.

A. The next piece, Branch A, $500 an acre. The next piece is Newark and Hudson Railroad, $500 an acre. The next piece is Newark and Hudson Railroad Company, $500 an acre. The next piece is Newark and Hudson Railroad, Branch A, $500 an acre. These are all meadow land of the same character as the others.

Mr. Bain: And when you say the next piece, that is speaking in the order in which they are mentioned on your schedules?

The Witness: In the order in which they are mentioned in the schedule.

A. The next piece is $500 an acre, the next piece is $500 an acre. They continue $500 an acre down to Block 1437 and Block 1438, main stem, consisting of 14.643 acres of the New York & Greenwood Lake Railroad at Kearny, and on that I value 12.826 acres at $500 an acre, amounting to $6,413 to Schuyler Avenue, the balance of 1.817 acres from Schuyler Avenue, to Forrest Avenue I valued at $5,000 an acre, with a valuation of $9,085, making a total valuation for the 14.643 acres of $15,498.

The next is at $500 an acre, the next is at $500 an acre, the next is at $500 an acre, the next is at $500 an acre. They run in order on the schedule.

Mr. Bain: They are all meadow lands?

The Witness: They are all meadow lands, similar.

A. The next is Block 1544, land outside main stem, north of main stem, east of Schuyler Avenue, .489 acres at $1,000 per acre, $489.

Mr. Bain: That is part of the New York & Greenwood Lake?

The Witness: That is part of the New York & Greenwood Lake near Schuyler Avenue.

Mr. Bain: That is land outside the main stem?

The Witness: That is land outside the main stem and similar land to the others, meadow land.

Q. Now, Mr. Ryer, do you add anything to these lands which you have valued at $500 an acre by reason of their continuity? A. I have not, other than taking them as land as they are and based upon the valuation of surrounding lands.

Q. What has been your basis? A. That is my basis.

Q. Is this parcel that you appraised at a thousand dollars an acre located east of Schuyler Avenue—why do you double the value on that? A. On account of location, it is next to Schuyler Avenue; as you go from there to Forrest Street I have made that at $5,000 an acre, it is all better land as you go that way, you are

getting out of the meadow land into the populated section.

Q. And you use those sales that you gave us in arriving at the valuation? A. Yes, and a thousand others I have that I couldn't tabulate and bring here today.

Q. A thousand others? A. Yes, twenty thousand others, which I have, thousands of sales, but I couldn't tabulate them and bring them here. A great many of them have been before the Board in other cases. I only took the sales I thought would help the Board in arriving at a value.

(Witness refers to Pennsylvania Railroad schedules.)

Q. Start with the Greenville terminal. A. Yes, Block 1507, Greenville terminal, main stem, consisting of 12.731 acres. I value that at $13,200 per acre, $168,049, that is the main stem running from the Morris Canal to the bulkhead line in the Greenville Yard.

Q. Is that based upon the value of the land on either side? A. It is.

Q. The average valuation of that upland? A. Yes.

Q. Go to the next tract. A. Next one Block 1507, terminal tract, between Morris Canal and exterior line for piers. I valued the 237.837 acres at $13,200 per acre for the upland, $3,139,448 and the 105.3 acres of land under water at $5,000 per acre, making a total of $526,500, making a total valuation for the entire 343.137 acres of $3,665,948. The rear part of this 237.837, the rear 14.783 acres was sold to the Lehigh Valley Railroad Company.

Q. At $15,000 an acre for the upland and $5,000 for the land under water? A. Yes.

Q. Do you consider that portion which was sold equal to the average value of this parcel under consideration? A. No, I do not; I didn't take it that way.

Q. Which do you think is the more valuable? A. I think filled land and bulkheaded is the more valuable, and when you go in the back of the yard away from the water front it becomes less valuable.

Q. What is your analysis of this valuation of $13,200 per acre? A. I have taken the entire yard as it exists there and placed a valuation of $13,200 an acre. I haven't made any analysis other than the land under water and the back land. This is a large yard running from the canal to the pierhead line, and then has a depth of 2,400 feet from the pierhead line, or rather to the bulkhead line and then has a path of 2,400 feet from the bulkhead line out to the pierhead line.

Q. Did you consider the value of property here between land under water and the filled land, the difference between the cost of what it would cost to fill it? A. I do not.

Q. How do you make your distinction between the value of the land under water and the filled land? A. Purely a matter of judgment, that is my value of the land under water and apparently no intention of ever filling this land under water.

Mr. Bain: It cannot be.

The Witness: I am only saying there is—that can be, there is some land here that could be filled, but they have no intention of filling it.

Q. Is land under water here more valuable or less valuable than the lands acquired by the Lehigh Valley Railroad Terminal Company? A. It depends entirely on which portion you select; some of it is more valuable, some of it less.

Q. Take the Leary tract of the Lehigh Valley? A. You were talking about the Pennsylvania, I thought.

Q. I thought my question was the land of the Lehigh Valley. A. I didn't so understand.

Q. The Lehigh Valley Harbor Terminal Company. (Question read as follows): "Is land under water here more valuable or less valuable than the lands acquired by the Lehigh Valley Railroad Terminal Company?" A. The lands under water here are a little more valuable than the lands under water acquired by the Lehigh Valley Harbor Terminal Railway Company.

An adjournment was here taken until Friday, January 13th.

Thomas A. Ryer, Cross

Sixth Day.

Trenton, N. J., Friday, Jan. 13, 1922.

Present:

Mr. Baker, president, Mr. Jess, Mr. Margerum and Dr. Barber.

Appearances as before noted.

Case resumed pursuant to adjournment.

THOMAS A. RYER resumes the stand.

Cross-examination continued by Mr. Stout:

Mr. Jess: Gentlemen, there are some questions involved in these appeals that apparently don't go to the matter of valuation and as to which there has been no evidence thus far before the Board, and it occurs to the Board and the engineer, if it is agreeable to counsel, that a number of these questions might possibly be referred to the engineer to take up direct and investigate and report to the Board. For instance, matters of graduation and omissions of properties, errors in areas, and things of that sort.

Mr. Bain: And some structures that have been removed.

Mr. Jess: And some structures that have been removed, and, of course, nobody would be foreclosed from putting in evidence if they were not satisfied with the findings of the engineer and his recommendations. As the Board is not going to sit here next week, those mat-

ters can all be referred to the engineer and shorten the hearing, and by the time the hearings are resumed he will be ready to report to us.

Mr. Bain: I will be very glad to refer such matters to the engineer, as far as I am concerned.

Mr. Jess: Does that meet with your approval, Mr. Wall?

Mr. Wall: That is satisfactory to me.

Mr. Jess: Is there any objection to that?

Mr. Stout: I don't see any objection to that.

Mr. Jess: Then those matters will be referred to Mr. Focht for his report to the Board.

Mr. Bain: That would make it necessary of course to come back to the Board so far as those matters are concerned only as to such matters as we cannot agree upon.

Mr. Jess: Yes, that is right.

By Mr. Stout:

Q. Mr. Ryer, you testified yesterday on cross-examination that the land under water which was sold by the New York Bay Railroad Company to the Lehigh Valley was of a higher market value than the property acquired by the Lehigh Valley from Leary for its terminal yard? A. I didn't so intend.

Q. Well, what comparison do you make? A. I don't make any comparison due to the fact that there was a very, very small area of land under water in the sale from the Pennsylvania to the Lehigh Valley, and that land under water was merely the margin of back land, had nothing to do in relation to the pierhead at all, was absolutely cut away from it.

Q. Well, in your opinion, the land under water which was sold by the New York Bay Railroad Company to the Lehigh Valley had a market value of $5,000 per acre? A. No, I didn't say so.

Q. Well, what do you say? I so understood you to say. A. I think it had a greater value, more than that.

Q. It had a greater value than $5,000? A. It was only a small portion, you understand. It was in this 28-acre piece, as I understand you?

Q. Yes. A. That the Lehigh Valley purchased from the Pennsylvania Railroad, 28 acres of land back of the Pennsylvania yard. Now, in that portion there was a small amount of land that shelved into the water.

Q. Well, can you give us the market value of that land under water, sold by the New York Bay Railroad Company to the Lehigh Valley at the time of the sale? A. I don't see how I can. It was simply a little fringe of land under water next to their purchases, next to the Currie piece, and it was a very irregular little piece. I don't even know offhand the area of it. There was only a small amount of area in there. It wasn't in the sense of water front property, you understand, in that sale; it was simply the back land and run into the water.

Q. In your opinion the land which was included in this sale of the New York Bay Railroad to the Lehigh Valley—the upland portion, would you consider that shore front property? A. I would consider that land attached to the Pennsylvania terminal yard, yes, with a shore front in front of it. It was the back land at the canal.

Q. Would you make a distinction between land under water in that sale and the upland as to whether

it was shore front property or not? A. Why, I should call it land under water in that particular sale of upland, pure and simple. It is way back of the bulkhead, three or four thousand feet, and the reason why it shelves into the water is due to the fact that the Pennsylvania haven't filled out to their line and the Lehigh Valley haven't filled up to their line; when the Lehigh Valley fill it in, it will all be filled land, three or four thousand feet back of the bulkhead.

Q. In your opinion was there an increase in value of this property of the New York Bay Railroad Company between January 1, 1920, and January 1, 1921? A. I think so.

Q. You think so? A. There was a slight increase there.

Q. And in your opinion was this land known as main stem in Block 1507, this 12.371 acres, more valuable on January 1, 1921, than at the time of the sale of the Leary and the Blair, and the Currie, and the Morris and Cummins tracts to the Lehigh Valley? A. It was a different class of property; one was land under water, and the other is filled land.

Q. No, that isn't my question. Just read it and see whether it is clear or not. (Question read.) A. I think so. I think it was more valuable than at that time.

Q. Mr. Ryer, do you consider the difference in market value of land of the class of this property of the New York Bay Railroad Company to be the value of the land before the filling, plus the reasonable cost of filling? A. I do not.

Q. In other words, if you took the Leary property to the Lehigh Valley, and based a market value upon the land as it was sold, it was land under water, and then fill it, would the value of it after being filled be the market value as land under water plus the reasonable cost of the fill? A. The market value would not be that figure—

Q. Would it be higher— A. In my judgment.

Q. Would it be higher or lower? A. Either. It might be higher, or it might be lower, as conditions prevail.

Q. In your opinion, Mr. Ryer, if there are no sales of substantially similar property, then don't you think it would be a proper method of arriving at the value of a piece of property to take the original cost, if that be the market value, and add to it the reasonable cost of improvements? A. I do not. One man might fill a piece of land at a much lesser price than another. If he had the time, he could fill it for nothing. The city would fill it for him probably, if it was in a location where they could reach it. Then I couldn't take the cost because the cost would be nothing in that land.

Q. Well, I say reasonable cost. A. Well, it all depends on what you mean by reasonable cost. Well, I don't think the cost enters into the value of the land at all. It is what the land is worth after it has been filled, irrespective of cost, or reasonable cost.

Q. In your opinion wouldn't a piece of such land sell on the market for as much as the cost of the orig-

inal acquisition plus the cost of material? A. It might sell for more; it might sell for less.

Q. You think it might sell for less? A. Yes; I do.

Q. You don't know of any, do you—such sales? A. Yes, I know of some, although they haven't been sold; I know they could sell for what it cost to fill them. Mr. Dunham can tell you about those.

Mr. Stout: I move to strike that out as not responsive.

Mr. Wall: I object to that. He is asking about theories of valuation and trying to make the witness answer to a false theory of valuation.

Mr. Jess: The question was whether he knew of any sales?

Mr. Stout: Yes, and Mr. Wall knows that, too. His characterizing the form of the question is not very fair.

Q. You don't know of any such sales, do you? A. Why, offhand, I could not; I think I could find them for you if I had time to look them up.

Q. What sale in this immediate neighborhood was the most helpful to you in arriving at the value of the Greenville terminal here under consideration? A. I don't think any one sale was any more valuable than another to me in arriving at the valuation there. There are no sales of similar lands. I have taken into consideration all of the sales of water front property and back land sales that are in that neighborhood that I know of.

Q. Do you— A. For the land under water you have the Lehigh Valley purchases, and for

the back land you have the Lehigh Valley purchase from the Pennsylvania, the Tide Water Oil purchase from the Currie people, the Factory Sites purchase, and I think that is about all the sales there are in that particular neighborhood.

Q. Did you consider the sale— A. Outside of the American Radiator Company just below.

Q. Did you consider the sale of the Lehigh Valley to the Standard Oil? A. I did; for what it was worth.

Q. In your opinion, if the Lehigh Valley terminal property, adjoining this Greenville terminal was improved to the same extent as the Greenville terminal, would it be of equal value?

Mr. Bain: Just a moment. I object to that question on the ground that it is improper.

Mr. Jess: What is the question?

Q. (Question read.)

Mr. Bain: You can't value property on some assumed improvement that may never take place.

Mr. Stout: We are laying the basis for our witnesses. I think it is proper cross-examination.

Mr. Stallman: Lay your basis in your own case. You can't lay it in our case.

Mr. Stout: Well, I can find out from this witness whether he knows or not.

Mr. Bain: See how improper that is. Take a piece of unimproved land and attempt to value it with certain improvements that may

never be placed upon the land and then compare it with some other land improved.

Mr. Jess: Well, Mr. Bain, haven't we done that in this case, and haven't—

Mr. Bain: Well, I have tried to prevent it, Mr. Jess.

Mr. Jess: Well, my impression is that the Court has held specifically just what you are contending for, but I can't turn to that, and my impression is that right along we have permitted this line of questioning and I don't want, therefore, at this juncture, to stop it unless there is some authority for it.

Mr. Bain: My purpose is to avoid improper testimony if I can. It seems to me that we get into all sorts of issues by questions of that sort.

Mr. Jess: Didn't the Court say in some case —in one of these cases, I think—that it wasn't a proper method to take a piece of land and then assume that it would be improved in a certain manner by filling or otherwise and express an opinion as to what its value would be if it were compared that way, by taking its present cost and adding the cost of improvement on? Something of that sort, I think—

Mr. Stallman: In the case of the City v. W. A. Manda, which is a condemnation case; the City of Orange wanted to condemn a right of way for a pipe line through that property, and for the purpose of showing the value of that land there was a comparison made with certain improved lands, or an identical comparison, and the Court in that case held that

you could not establish the value of these lands by comparing them with improved lands, nor could you value these lands by assuming them to be improved as other lands are improved. Now, that is exactly the same principle, whether you are endeavoring to get the value of lands for the purposes of assessment or whether you are endeavoring to arrive at the value for the purposes of a condemnation proceeding. But the rule is very clear, and that rule was laid down in the Court of Errors, that it was an improper method of endeavoring to ascertain the value of land. That is along about 76 Law.

Mr. Stout: That isn't the import of my question. I don't think that is an answer to it. Certainly you wouldn't compare a piece of unimproved property with a piece of improved property to arrive at the value of the improved property, but in order to arrive at the value of a piece of improved property, it seems to me it would be proper to ascertain if any piece of property was put in the same condition, having all the other elements, location, accessibility and potentialities, if you put an adjoining piece of property in the same condition then it seems to me that it would be a fair question as to whether there was a relativity of values between those particular parcels. And I think that our courts have held just the contrary to Mr. Stallman's contention. I think our courts have held that a railroad property—I think Chief Justice Beasley said in the Central Railroad case that there is no reason to suppose that land acquired by a railroad should not sell

in the market for the amount of its cost of acquisition plus the improvements.

Mr. Bain: Speaking of main stem only.

Mr. Stout: Well, speaking of main stem only. I don't see what the distinction—

Mr. Wall: That was dealing with evidence as to the cost of reproduction of the piece of property under consideration, and the language that Mr. Stout refers to is that it was reasonable to suppose that a going, successful railroad was worth what it had cost in the absence of evidence to show some different value. All they did in that case was to show that they had used the standard of reproduction and he said that isn't enough. It may be that a going railroad is worth what it cost, but that is a very different thing from the remote comparison of leaving the property that you are considering and going over to something that doesn't exist at all except in imagination and saying if this property is what it is not, and if it were like something that it never was like, why then what would it be worth? Why, it is of no help to this Board. What is the use of such testimony as that? How can you arrive at true value from these hypotheses, based upon conditions that have never been fulfilled?

Mr. Stout: Why, it seems to me, may it please the Board, in reply to Mr. Wall, that is just what we have got to do. Witnesses that have been produced here by the railroad companies have testified that the properties are so dissimilar either in their shape or in their

location that you could not use the sale of one as an absolute standard of value in determining the value of another piece of property. Supposing the time comes when we have no sales, and that time has almost reached the shore front property, how are we going to get at the value of this property? Are we going to let these experts come in here and just rely upon their judgment without giving us any basic fact upon which we can get at their conclusions? It seems to me that we have got to delve into this realm of hypotheses. I don't know how else we are going to get at it.

Mr. Jess: Well, Mr. Stout, here is the question: Suppose that you ask this witness if this property under consideration would not be of equal value, I think that was the substance of your question, with some other property, if it were improved as the other property is improved. Isn't that substantially the question?

Mr. Stout: Yes.

The Witness: No, that isn't the question.

Mr. Stout: That is just the reverse.

Mr. Jess: Well, then, read the question.

Q. (Question read as follows): "In your opinion, if the Lehigh Valley terminal property adjoining this Greenville terminal was improved to the same extent as the Greenville terminal, would it be of equal value?"

Mr. Jess: What property are you interested in now, Mr. Stout?

Mr. Stout: In the Greenville property.

Mr. Jess: The Greenville property.

Mr. Stout: You see, we have got no piece of property, according to these witnesses, that we can make an absolute comparison, or we haven't a substantially similar piece of property.

Mr. Jess: How can you make a comparison with a property that is improved in one way when this property may never be improved in that way?

Mr. Stout: Well, assuming that it is improved in the same way; we are assuming that.

Mr. Jess: Well, isn't that an assumption you haven't any right to make? Suppose it is never improved that way? I mean, aren't you putting something into the case that isn't there, Mr. Stout, and that may never be there?

Mr. Stout: Well, I think we have a right to assume—to take a piece of property and build it up for the purpose of comparison and getting at values, when you reach the point where you have got no other comparable piece of property. Now, then, we here have a basis on which to build. We have that piece of property that has been recently sold and let us say that that sale was at market value. Now, then, if we put that piece of property, which is exactly similar in all other respects, except the improvement, put the improvement on it and then can you make a comparison.

Mr. Wall: What Mr. Stout has in mind is that there ought to be something like the stand-

ard meter that is kept in Paris to be the basis of their system of measurement, whereas what we are dealing with is a question of value. How does Mr. Stout know that a man is tall? He hasn't any standard man from which he measures all other men as to whether they are high or tall. He has got a multitude of instances in his mind, no one of which he tickets and points out and uses as the standard. Now, just so with these sales. There isn't any standard meter sale, there isn't any one thing that you can point to and say, "There, we have got our measurement and we need go no further." There are a multitude of sales, and when they say, "We considered all the sales," it is just the same as Mr. Stout does when he says a man is tall. He has met a lot of men and he has got an impression of what tall is, but he doesn't know just how many feet and inches constitutes the difference between a tall man and a short man.

Mr. Bain: I don't want to prolong this discussion unnecessarily but it seems to me that what Mr. Stout has said has led to another matter that is somewhat different from the point I first raised. If I understand the State's attitude now, what it desires to do is to show possibly that the Greenville terminal lands of the Pennsylvania Railroad Company are worth what the adjoining lands purchased by the Lehigh Valley Harbor Terminal Railway Company were worth in an unimproved condition plus the cost of their improvement.

That is also improper, an improper method of determining value, as a matter of law.

Mr. Jess: Well, that is the rule that I have in mind. Of course, if that is the rule, then it certainly would apply to this question, and if I had the opportunity I could show you that the Supreme Court has held just exactly that.

Mr. Stout: Well, if that be so, then—

Mr. Jess: What?

Mr. Stout: If the Supreme Court has so held, why then I certainly don't insist upon it. I don't want to put any illegal evidence or statements into the record. But I thought the Court held just the contrary. But I don't see how an expert can use the sale of an unimproved piece of property in helping him to arrive at the value of an improved piece of property unless he has that picture in his mind of this piece of property being placed in the same condition as the one which he is appraising. Then our sales of unimproved property, it seems to me, certainly are out. And I thought that it was logical and proper to assume that if one piece of property had all the characteristics of another piece of property as to locality and potentialities, that if you put that piece of property by improving it in the same condition as the other, you would then have a comparison and it would be of some help. Now, I may be all wrong, but that is my idea.

Mr. Bain: You see, that raises two distinct questions: first, whether the unimproved

property could be improved in the same manner as the other property—

Mr. Stout: I am assuming that.

Mr. Bain: And secondly, whether if it was so improved the cost of improving it plus the cost of the unimproved property would be evidence of value.

Mr. Jess: I will sustain the objection.

Q. Mr. Ryer, take the next tract, known as the terminal tract in Block 1507, described as Greenville, between Morris Canal and exterior line for piers— A. I testified to that yesterday.

Q. Consisting of—did you testify— A. Yes. We went through that. I gave you the figures on that. I can give them to you again, if you want them, but they are in the record.

Q. All right. Do you make any distinction in arriving at your values between filled upland and land which was originally upland? A. No. There is very little original upland in this property. There isn't any of the upland that I know of that hasn't been filled, as well as the land under water.

Q. Then in your opinion filled land is of the same value as original upland, all other circumstances being equal? A. Not necessarily. In this particular case I have made no difference. There was a small part of original upland and that has been submerged under filling with the shallow land under water that has also been filled. Just how much of that upland there was or virgin soil that wouldn't require piling for foundations—I don't know how much there is of that, but there was only a small amount of it in the

large yard, and I made no distinction between the two classes of land, filled or virgin.

Q. Would you compare the sale of the Currie property to the Tide Water Oil Company with the back land, or rather this Greenville terminal yard, would you make a comparison? A. I don't see how you can; one is all solid land and was purchased for that very reason, and the other is filled land on the water front.

Q. In your opinion the Currie property was improved property at the time of the sale? A. I didn't say so.

Q. Well, I am asking you? A. No, no; pardon me; I thought you meant did I say so. It wasn't improved property, no. It had the old Currie homestead on it and a couple of farm houses and was used for farming purposes when it was sold, but it was original land where it required no piling for foundations for heavy structures. That is why the Tide Water Oil purchased that particular piece of property.

Q. Do you consider the sale of the New York Bay Railroad Company to the Lehigh Valley of the upland at market value? A. I did not.

Q. Too high? A. I thought so.

Q. But the land under water you thought was too low? A. I think if you put five thousand an acre on this land under water, which is practically filled up to the surface, yes, it is too low, because it is almost filled land, there is only a small shelving part of it they put in at $5,000 an acre.

Q. Take the next piece, Mr. Ryer, main stem, Block 8, described as main yard from Washington Street to bulkhead line, consisting of 2.932 acres? A. That is the main stem running from Washington

Street to the bulkhead line through the main yard at Montgomery Street and Exchange place, and I valued that at $87,120 an acre, or a valuation of $255,435, the average value of the yard.

Q. Was that property in your opinion any more valuable on January 1, 1921, than it was on January 1, 1920? A. Well, I couldn't just answer that question; it might have been slightly more valuable or it may not. I don't know. I made no appraisal there as of January 1, 1920. My appraisal was as of January 1, 1921.

Q. When did you last appraise this property previous to your present appraisal? A. This particular property I have never appraised that I know of before.

Q. You have appraised property in that immediate locality, however? A. I have.

Q. Third-class railroad property? A. Yes. But this particular piece I don't ever remember having come under an appraisal of mine.

Q. You have appraised the Exchange yard before, haven't you? A. I think I did in 1916, or 1917.

Q. Did you put this main stem then at the same market value? A. As I made the 1917 valuation, you mean?

Q. No; I mean as you do the remaining part of the yard? A. Yes.

Q. All at the same? A. All at the same value, as being part of that yard.

Q. I see. In your opinion is this property more valuable—was it more valuable on January 1, 1921, than it was at the time you made your last appraisement? A. I think so.

Q. I think you testified yesterday that there hadn't been any increase in any of this shore front property from 1915 up to October 1, 1919, didn't you? A. I didn't so testify.

Q. Well, in your opinion was there an increase? A. In some parcels, yes; in others, no. There was no general increase, if that is what you mean.

Q. No— A. That is what I testified to yesterday, that there had been no general increase up to 1919.

Q. Well, would you say as to this particular property that it was more valuable on January 1, 1921, than it was on January 1, 1920? A. I wouldn't say that. I don't know.

Q. You don't know? A. I will say it was more valuable on January 1, 1921, than it was in 1917.

Q. I see. A. In my judgment.

Q. Well, the main yard which adjoins this stem you have valued at the same rate per acre, except the back land? A. Yes. I valued it—do you want the main yard now?

Q. Will you give us your analysis of the main terminal tract of the Pennsylvania Railroad Company here under consideration? A. Block 8, main terminal tract, land outside of main stem water front, Washington Street to exterior line for piers, 30,564 acres. I took a frontage on the pierhead line of 865 feet by a depth of 1,200 feet at $2,000 per front foot, or 23.829 acres at $72,600 per acre, making a valuation of $1,730,000. I then took 6.735 acres, the residue, $87,120 per acre, with a value of $566,753. This gave me a valuation for the entire yard of $2,296,753.

Q. The tract which you comprehended in the piece 1,200 feet back of the pierhead line, was that line drawn arbitrarily? A. It was.

Q. In your opinion, back land is more valuable at this point than the shore front? A. Oh, yes.

Q. Yes, and the shore front you valued at $72,600 per acre? A. I did.

Q. In your opinion was that property more valuable or less valuable than the Cunard property? A. Why, if you make a comparison I should say this was more valuable property than the Cunard property. I have made it at a higher rate per acre than the Cunard sold for.

Q. Do you place the value of the front portion of this main yard on an acreage basis or upon a front foot basis? A. I testified to the fact that I had appraised the 865 by 1,200 feet at $2,000 a front foot.

Q. Yes. A. Which gave me $72,600 per acre for the land under water, and the bulkhead land back of it.

Q. How did you arrive at the value for the back land? A. From an analysis of the sales in the surrounding territory and my general knowledge of 20 years' familiarity with that particular section.

Q. What sales did you take, Mr. Ryer, in the immediate neighborhood? A. I took a great many sales, but I have some here that I can give you. I found that from First Street south back of the two yards, the Pennsylvania Railroad Company and others purchased from 1918 to 1920 an area of 5.650 acres of vacant land at a consideration of $370,250. The average of these sales was $65,500 per acre, and included the sale on January 17, 1918.

Q. Mr. Ryer, you have—is that all you are going to say about that sale? A. That isn't a sale. That is a combination of sales and now I am going to give you the sales that make up that combination.

Q. All right, thank you. A. So that you will see that I got all the big ones in.

Q. And the date of the sale, too. A. Yes. Block 77, Lots 26 and 28, January 17, 1918, Gautier to the United New Jersey Railroad and Canal Company, consideration $20,000, 80 by 150 feet. Block 77, Lots 30 and 32, June 17, 1918, Gregory to the United New Jersey Railroad and Canal Company, 50 by 150, consideration $10,000. Block 77, Lots 32 and 34, September 14, 1918, Gregory to the United New Jersey Railroad and Canal Company, consideration $10,000, 50 by 150 feet. Block 77, February 11, 1920, Lots 44 to 56, alternate, February 11, 1920, estate of Winant to Hudson and Manhattan Railroad Company, consideration $44,400.

Q. What block was that? A. 77. Northeast corner of First and Washington Streets, 215 by 150 feet. These sales comprise the entire Block 77, containing 1.36 acres. The total consideration is $84,400, at $62,000 per acre. Block 74, Lot D, October 15, 1918, Fessenden to the United New Jersey Railroad Company, consideration $90,000, southwest corner of Greene and Morgan Streets, 280 by 130 feet.

Mr. Bain: May I interrupt you, Mr. Ryer? You mentioned the sale in Block 77; wasn't that Block 76?

Mr. Dunham: That is what I was thinking.

The Witness: It is this block here (indicating); 77. I haven't mentioned anything in 76 as yet. I mentioned the entire Block 77.

A. (Continuing.) Block 106, Plot E, July 21, 1920, Royal Baking Powder Company to Butler Brothers, consideration $264,000, Warren, Steuben and Morgan Streets, 260 by 330 feet. July 21, 1920, Plot B, Truslow and Fulle to Butler Brothers, consideration $25,000, 90 by 130 feet. Block 109, Lots 58 to 64, alternate, January 9, 1918, Hilliger to New York Iron Roofing Company, consideration $24,750, northwest corner of First and Washington Streets, 150 by 140 feet. Block 12, Plot B, June 21, 1917, estate of Wood to Colden, consideration $12,100, north side of Morgan Street, east of Greene, 50 by 130 feet. These sales aggregate 5.650 acres at an average of $65,500 per acre. In addition to these sales I took into consideration all of the Pennsylvania Railroad, or the United New Jersey Railroad and Canal Company rather, purchases between the two yards, and I have heretofore testified to the Board on those prices, but I haven't them with me today.

Q. You mean the Vanderbeek sale— A. The Vanderbeek sale and all of those sales in buying that property up for the joining of the two yards. I merely selected from them the ones that were vacant land because the others included buildings, or business, or something that I couldn't analyze.

Q. Well, you do attempt to analyze such sales, do you not? A. Yes, when I have them, I could have analyzed them, but you take for instance Steel and Condit there, there is quite a number of buildings—

large buildings, that is, I don't mean number, there was one building, a large brick building there, with a large value to it, and in addition to that their business had to be taken into consideration.

Q. Was time the only thing that prevented you from analyzing those sales? A. Oh, yes, time was the only thing that prevented, and whether or not I have all the facts, I think I have. When I come to analyze I might find that I didn't have and have to get some more facts, but I think I have all the facts pertaining to those sales.

Q. You know the sales to Butler Brothers? A. I enumerated them in this schedule.

Q. Oh, you did? A. Oh, yes; both of them.

Q. How much a lot were they? A. The sales to Butler Brothers comprised two purchases; one, Block 106, Plot E, July 21, 1920, Royal Baking Powder Company to Butler Brothers, consideration $264,000, at the rate of $11,000 per lot, taking them as city lots. Block 106, Plot B, July 21, 1920, Truslow and Fulle to Butler Brothers, consideration $25,000, at $12,500 per lot, taking them as city lots. That was a corner.

Q. Haven't you, Mr. Ryer, in arriving at your acreage valuation, included the streets in your area? A. I have, because in making—

Q. Well, yes, or no. A. I have. That is in that analysis. Not in this last one.

Q. Yes, yes. In your opinion is the main stem and the back land of the main terminal of the Pennsylvania Railroad Company more valuable or less valuable than those back lands included in the sales that you have related? A. I have made it more valuable than the particular sales that I mentioned there at $65,000 an acre;

that is, taking all of the vacant back lands sales and averaging them I have made the value of the back lands more per acre than that average. Where they average $65,000 an acre I have made the back land of this yard $87,120 an acre.

Q. I don't think you answered my question, Mr. Ryer. I will put it again. I am asking you whether in your opinion is the land involved in these back land sales more or less valuable than the main stem and the terminal yard of the Pennsylvania Railroad Company? A. You didn't ask me that question, Mr. Stout, before.

Q. I didn't? A. I don't know—will you kindly read that question to me?

Q. (Question read.) A. I think the land involved in the sales are about the same class of property as the land in the back part of the yard.

Q. And therefore of about equal value? A. Well, depending entirely how you take them. You take the lands in back of the yard they are all on street frontages; the lands in the back of the terminal yard are in large areas without street frontage or improvements.

Q. Well, is your value of the back lands of the terminal yard based upon the selling price of the back lands involved in the sales which you have related? A. Those sales and other sales of which I have knowledge running down into Exchange place. I have taken all the sales in that neighborhood into consideration, and when we come to street frontages I know that these yards have some street frontages, but I meant in proportion their frontage on streets is very slight as compared with a sale where it has a quarter of its area in street frontage.

Q. What sales, Mr. Ryer, in Exchange place did you consider? A. I considered the purchases made by the Commercial Trust Company and the First National Bank; I considered the Vulcan Iron sales down on Hudson Street; I considered all of the Colgate purchases; I considered probably a hundred sales in that section. They have all been testified to before this Board by me at one time or another and I didn't burden the testimony today with them because I thought they had the information in front of them. I can bring you a schedule of those sales if you wish.

Q. And you considered all of those sales at Exchange place and the other sales which you have specifically referred to in arriving at your valuation of $87,120 per acre for the— A. Yes.

Q. —back land of the terminal tract of the Pennsylvania Railroad? A. I did, I considered all the sales surrounding that property in arriving at my judgment.

Q. Your valuation for these back lands of the terminal tract of the Pennsylvania Railroad Company is not the average valuation of the sales which you took into consideration? A. No, by no means. The average is sixty-five and I have made this eighty-seven. The average is $65,500 and I have made this $87,120 per acre.

Q. Is that so, Mr. Ryer, when you put in the Exchange sales, the sales to the Commercial Trust and the First National Bank, and the— A. No, I have made no average of all those sales. It would take you six months to analyze all those sales. I mean the ones I gave you the amounts of here, of vacant lands back of

the yard purchased by the Pennsylvania Railroad and the Butler Brothers.

Q. Well, these sales that you have specifically referred to were of greater value to you in arriving at the value of the back land of the terminal tract than the other sales which you have not specifically referred to? A. I think they were of greater value than the others but you have to take all of the sales in the surrounding territory into consideration in arriving at a value.

Q. In other words, you put a greater reliance upon the selling price of these lots or properties which you have specifically referred to rather than those that you referred to generally? A. I did.

Q. Even though these lots or these properties down in Exchange place are in closer proximity to the yard? A. Well, but they are a different class of property.

Q. Well, I mean— A. Yes, yes, Exchange place is a place by itself and has an enormous value due to that fact. You can get $20 a square foot at Exchange place. I didn't apply that to this yard.

Q. Well, this yard is in Exchange place, is it not? A. No, not this property. You haven't got any part of Exchange place in the valuation that I placed in this yard; not a foot of it. You have cut off Exchange place valuation in this assessment. If it had I would have had to place to higher value, probably.

Q. Mr. Ryer, referring here to the map, is this the piece of property now that you are considering—the main yard (indicating on map)? A. Right in here,

yes, to this point in here. The office building is in the third class assessment, I think, and is not in your first and second class assessment. This frontage here on Exchange Place is occupied by office buildings and stores that is not in the appraisal at all. If I appraised that I would appraise that at a much higher value than I placed upon the yard, because that is commercial property.

Q. Mr. Ryer, don't you include any of this property here along Exchange Place— A. Not a foot of it.

Q. On the north side? A. Not a foot of it. The Y. M. C. A. is on this corner here. In here is your line coming down to run through Hudson Street; and this land in here is all out of this assessment. (Witness indicates on map.)

Mr. Stallman: That doesn't mean anything on the record.

The Witness: Oh, well, running from north of Montgomery Street and east of Washington Street down Exchange Place to the bulkhead line there is no property in this assessment as first or second class property. I understand that that property is all in third class.

Mr. Clark: Second.

The Witness: Well, it isn't in this appeal then. If it is second class property, as I guess it is because you use your railroad buildings there for railroad uses, it would be in second class property, but it isn't under appeal and is not appraised in this appraisal.

Mr. Dunham: You have segregated it?

The Witness: I haven't segregated anything.

Q. Mr. Ryer, in arriving at the market value of the main yard of the Pennsylvania Railroad Company, you took into consideration that the land fronting on Exchange Place was in the same ownership? A. I did.

Q. And did you impart any value to the main yard by reason of having adjoining lands adjoining 1 Exchange Place? A. That is one of the values that is included in my appraisal, the fact that they own out to Exchange Place, but I stated I had not taken the Exchange Place value because that would be included in your second class assessment on the frontages. Whatever influence the fact that Exchange Place in this big yard has, I have included.

Q. Mr. Ryer, why did you put a special value upon the Erie yard and the Lackawanna yard because it fronts on a principal street and not give the main yard of the Pennsylvania Railroad an increased value by reason of it fronting on Exchange Place? A. I increased the value on the D., L. & W. yard on Ferry Street 20 cents a square foot due to frontage on Ferry Street. I increased the value on Pavonia Avenue due to the fact of the yard frontage on Pavonia Avenue to $2.20 a square foot. Now, when I get down to Exchange Place, if you had included in this appraisal the Exchange Place frontage I would have made that portion at the rate of $4 per square foot for the frontage that it included and if you desire me to include the frontage on Exchange Place in this appraisal I would add it on at the rate of $4 per square foot to the figures that I have already given.

Q. How deep? A. The depth of the property as assessed because that is all the depth that is taken for commercial property that can get a value of $4 a square foot in that location. Back of that, the land would only be worth $2 a square foot, in my judgment.

Q. Didn't you take in these other yards a greater depth than that, Mr. Ryer? A. I did, because there was a greater depth usable with the street frontage. Here there is no greater depth usable with the street frontage because your main street runs directly back of it and cuts it off.

Mr. Jess: How much of a depth is there, Mr. Ryer?

The Witness: Why, I think the depth in there, Mr. Jess, is 60 feet. I think those buildings are something like that. I can't tell you offhand, I could tell you if I had the plot book here.

Mr. Jess: Very shallow?

The Witness: Well, it is a little less than a hundred feet; not much.

Mr. Jess: And you don't extend that on the other side of the—

The Witness: No, because the train shed shuts it off.

Mr. Jess: Your idea is that it has a higher value as commercial property?

The Witness: Well, if it is fronting on the street, it can be used for commercial purposes.

Mr. Jess: If it is commercial property it must be treated as commercial property, and has a value accordingly?

The Witness: Yes.

Mr. Wall: And it isn't under appeal.

The Witness: No, it isn't under appeal. I would eliminate that entirely. If it was under appeal I would simply add the value of that particular piece the depth that it is being used now.

Mr. Jess: You don't add anything to that property that is under appeal by reason of this being in the same ownership?

The Witness: Oh, yes, I do. That is where I get my value from. If they had no access through this end here (indicating on map) you wouldn't get the same value. I depreciate my value. I have taken into consideration the fact that they do own Exchange Place, and in addition to that I have taken into consideration that they own the Harsimus yard in placing my value on this.

Q. Mr. Ryer, have you valued these properties on the basis of their present use, or have you based it upon some other hypothesis? A. I have based it upon any use to which the property might be put or could be put.

Q. But didn't you here allocate the land from Exchange Place and say that property is devoted to a commercial use and place a value upon it for commercial purposes and then go back of that and put a value upon the main yard of the Pennsylvania because that is devoted to a railroad use? A. I did not. I made no such appraisal.

Q. Well, hasn't the land back of the strip on Exchange Place a commercial value? A. Not at all; any more than the land on York Street back of Exchange Place on the other street has any commercial value.

Q. Couldn't streets be cut through it? Couldn't it be used for a commercial purpose? A. Certainly, but you wouldn't get any such values as you have on Exchange Place, because you wouldn't have the traffic there.

Q. What imparts the value to the strip on Exchange Place, the fact that the commercial buildings are there or is it because the main yard of the Pennsylvania Railroad Company is back of it? A. Because the buildings are there and the traffic is there and people are there to do business. That is what gives it a higher value.

Q. Would it be there if the Pennsylvania main yard wasn't there? A. Possibly not—if the main yard of the Pennsylvania wasn't there?

Q. Yes. A. How do I know? I don't know.

Q. You don't know? A. Certainly not. I don't even know whether it would be there or not if the tunnel entrance wasn't there. The tunnel entrance gives a certain amount of value to that land because it sheds people, and people do business in them and get a rental from them. That is commercial property, and used as commercial property. And even though it isn't used for commercial purposes I have given it a commercial value due to the fact that it could be used for a commercial property because the people are there to do business.

Q. You couldn't say whether this property down at Exchange Place would be less valuable if we didn't have the Pennsylvania yard there?

Mr. Wall: Well, I object to that. He has taken what is, valuing it on the basis of actuality; now he says subtract something from actuality.

Mr. Jess: Well, he has already said, Mr. Wall, that he couldn't do it.

The Witness: No, I couldn't tell.

Q. Take the next tract. A. The next tract is Block 8, Pennsylvania Railroad ferry, foot of Exchange Place, Jersey City, 240 feet on the bulkhead line by an average depth of 657 feet at $1,200 per front foot, $288,000, 3.623 acres at $79,400 per acre. Total value $288,000.

Q. How does that compare with the Hoboken ferry property in value? A. Why, about the same. I put $80,000 on Hoboken, and I have got seventy-nine four on this.

Q. How deep did you go on the Hoboken property? A. 698 feet from the pierhead line to the bulkhead line, and then with the piece of land back of it. I went an average, I think—well, I had no average depth there because I told you that was such an irregular piece that I had no average. I should say the average was about something around 800 feet all together.

Q. Isn't it nearer a thousand. A. No, it isn't nearer a thousand. The entire depth of the whole piece is only 890 feet from one end to the other. From the Dukes house out to the pierhead line is only 890, and that is the longest point you have got.

Q. What depth did you take on the ferry tract at the foot of Exchange Place? A. 657 feet.

Q. What are the elements which you considered in making the property at the foot of Exchange Place less than the—

Mr. Wall: Now referring to the property under appeal?

Mr. Stout: Yes.

Mr. Wall: There isn't any property at the foot of Exchange Place, is there?

The Witness: Yes; 240 feet of the ferry property, land under water.

Q. —with this Lackawanna property. A. I considered the Lackawanna property more valuable due to the fact that the back land is more valuable than the property in Exchange Place.

Q. You think that land on Hudson Place and Newark Street in Hoboken is more valuable than land on Exchange Place, Jersey City? A. Yes, without a doubt.

Q. And—A. I can give you some of the sales there, if you want them.

Q. That is the principal reason, is it, for your putting a higher valuation on the Lackawanna ferry property? A. Yes, because that is at the foot of the main thoroughfare, and the only thing that would guide me in putting an additional value over the water front on each side of it. That is the peak of the street there.

Q. How do you compare this ferry property at the foot of Exchange Place with the Erie property? A. I think the Pennsylvania Railroad property is more valuable.

Q. More valuable. And how do you compare it with the land sold by the American Coal Company to the International Elevating Company? A. I don't compare it. They are different classes of property.

Q. In what way, Mr. Ryer? A. One has a ferry franchise and the other hasn't. One has land under water and sufficient upland to use back of it and the other hasn't.

Q. Do you consider a franchise in arriving at the

value of the property? A. I didn't say so. I am only telling you one of the elements of difference between the two properties. I don't know whether it is a benefit or not, but it has that benefit over the other property.

Q. Well, did you add anything for that? A. I did not, I simply took everything into consideration and placed my value upon the other. I didn't compare it foot for foot with the other because I don't think you can do that.

Q. Well, in your opinion if that didn't add anything to the value of the ferry property at the foot of Exchange Place by reason of the franchise, why did you consider it? A. Well, simply as one element. I have got to consider everything. If I found out you couldn't use it for ferry purposes I would have to consider the fact. I don't know what consideration I would give to it, but I would want to know that and consider it in a piece of property. I think it is necessary in valuing all water front properties to know all the facts about the property before you can give an intelligent appraisal for it.

Q. Then the ferry property at the foot of Exchange Place has no increased value over the International Elevating property by reason of its having a ferry franchise? A. Not necessarily.

Q. Well, in your opinion. A. I don't think it has. I think the reason—

Q. Now, then, what really is a distinguishing point between these two properties? A. The fact that one is at the foot of Exchange Place and the other is at the foot of Morris and Essex Streets.

Q. Well, now, which would be the more valuable? A. The foot of Exchange Place, in my judgment.

Q. And what other distinguishing point is there? A. That is about all, with the exception that there is a slightly greater depth between the pierhead and the bulkhead line on the Exchange Place property than there is on the American Coal Company.

Q. Do you consider the ferry property the more valuable? A. I do.

Q. Which is the deeper property, Mr. Ryer, the ferry property at the foot of Exchange Place, or the International property? A. Just one moment and I will tell you.

Mr. Bain: Pierhead to bulkhead?

The Witness: Yes.

A. The Exchange Place property has a depth of 635 feet from the pierhead to the bulkhead line on the southerly side, and 654 feet on the northerly side, and the International Elevator has a depth of 542 feet on the southerly side and a depth of 565 feet on the northerly side. That is what I said. There was a slightly greater depth in the Exchange Place property than in the International Elevating Company. Fred has gone up to the actual bulkhead line and taken his areas himself.

Q. Where did you go, Mr. Ryer? A. From pierhead to bulkhead line.

Q. From pierhead to bulkhead line? A. Yes.

Q. Is that the actual depth of the property as described in the deed? A. Why, I don't know that.

Mr. Stallman: Speaking of the International Elevating Company?

Mr. Stout: Yes.

A. I don't think the deed describes it in that way; that is the area described in the deed, yes, out to the pierhead line. I don't think the deed gives the number of feet but it does state the waters in front thereof to the pierhead line; and that is the depth given.

Q. Mr. Ryer, will you indicate on this map how far back you go from the pierhead line? A. I think from the pierhead—

Mr. Bain: The International Elevating Company?

Mr. Stout: Yes.

A. I take from the southerly line of the International Elevating Company on the pierhead line and I go west to the bulkhead line. I take from the northerly line of the International Elevating Company on the pierhead line and I go west to the bulkhead line.

Q. Why don't you go back to this line here (indicating)? A. Well, you ask me the depth between the pierhead and the bulkhead line, between the two, because I stated that the Exchange Place was slightly deeper between those lines, and then Fred tried to prove that I wasn't telling the truth.

Q. Oh, no. Nobody could prove that. A. I know that better than you do. I stated that there was a slightly greater depth—in one of the arguments that there was a slightly greater depth on the Exchange Place property between the bulkhead and the pierhead line than the American Coal Company. Then you asked me for the depth and I gave them to you.

Q. Have you given me the depth of the Interna-

tional Elevating property going from the pierhead line back to the rear line of its property? A. I have.

Q. Well, how deep is it, going that way? A. From the pierhead line on the International property back to the rear upland line is a depth of about 730 feet.

Q. In your opinion was the land at the foot of Exchange Place, this ferry tract, more valuable on January 1, 1921, than it was at the time of the International Elevator Company sale?

Mr. Bain: Now, just a moment. I object to that. What difference—well, I will withdraw the objection.

Q. You say—

Mr. Bain: Let me hear the question again. (Question read.)

Q. What do you say? A. Mr. Bain has made an objection.

The President: There is no objection, I understand. It has been withdrawn.

Mr. Bain: Yes, I will object to that question on the ground that it is incompetent, immaterial and irrelevant.

The President: Overruled.

A. I think so.

Q. Did you, Mr. Ryer, in making up your valuations, put a percentage increase on your last appraisals of the same property?

Mr. Bain: Speaking of all this property?

Mr. Stout: Yes.

A. I did not.

Q. Did you on any of it? A. I did not.

Q. Take the next piece, Mr. Ryer. A. Block 15, main stem, Henderson Street to west of bulkhead line Harsimus Branch, 6.682 acres. I valued at $65,340 per acre, $436,601. That is main stem through the Harsimus yard, same price per acre.

Q. Well, have you any other property at the same valuation so that we can put that right in with it? A. Yes, the next piece. The entire yard is in that valuation. Will I go ahead with that?

Q. Yes. A. Block 15, terminal tract, Harsimus branch, land outside of main stem, Harsimus yard, Henderson Street to pierhead line, I valued a thousand feet front by 1,200 feet deep at $2,000 per front foot, or $2,000,000. 27.548 acres at $72,600 per acre. The residue back of that water front consisting of 8.978 acres, I valued at $87,120 per acre or $782,163. The balance of the water front, consisting of 830 feet front by a depth of 1,650 feet I valued at $2,000 per front foot, making a valuation of—for 31.439 acres, of $1,660,000, or $52,800 per acre. The residue back of the water front of 30.870 acres I valued at $65,340 per acre, or $2,017,045. This gave me a total valuation for the 98.835 acres of $6,459,208.

Mr. Stallman: Are you reading all the figures from the schedule, Mr. Ryer?

The Witness: No, from the schedules you simply get the bulk of the parcels and I have had to analyze them and separate them as I have them here. You couldn't separate them and get them in that schedule. I simply have the totals only of the tracts.

Q. What is your reason for separating this tract as you did? A. Due to the fact that in one part of it the bulkhead is at a depth of 733 feet and at another point it is at a depth of about 1,600 feet, the actual bulkhead, not the Government bulkhead. It follows the Government bulkhead for about half the yard and half the yard it goes back to an actual bulkhead.

Q. The line that you drew 100 feet back from the pierhead was an imaginary line? A. Wherever I drew it, I drew it further back than that—

Q. 1,200 feet? A. Yes—was an imaginary line for the purpose of making my calculations.

Q. And you put the front portion of this yard in at the same valuation per acre as you did the front yard—the front part of the Exchange Place yard? A. I did.

Q. You think one is as favorably located— A. They are all together. It is one yard, and I had to take into consideration that this is one large terminal yard belonging to the same company.

Q. You think it is just as well located as the other? A. I do.

Q. And the back land you put at— A. At a lesser price.

Q. At a lesser price? A. I don't think the back lands are as favorably located in the back of the Harsimus yard as they are in the back of the main yard.

Q. And you used those back land sales— A. I used all the sales, yes.

Q. That you specifically mentioned? A. I did. And others.

Q. But they were the principal ones, were they not? A. Yes, they were.

Q. You put in part of the black land of this Harsimus yard at the same value per acre as you did a part of the main yard at Exchange Place? A. I did. I put in all of the back land running up to Second Street at the same value that I put in the back yard of the main yard—back part of the main yard. It is all one piece of land, contiguous, with the exception of Morgan Street.

Q. And in your opinion as you go farther west the values decrease here in back land? A. Not necessarily; as you go farther north they decrease.

Q. Well, north, whatever— A. Yes.

Mr. Bain: From Exchange Place.

Mr. Stout: Yes.

The Witness: From Exchange Place as you go north they do decrease until they get to the lowest price at the D., L. & W. Railroad Company.

Mr. Bain: The southerly end of their yard?

The Witness: The southerly end of their yard.

Q. Mr. Ryer, how does this portion of the Harsimus yard which is described as 1,650 feet in depth from the pierhead line which you valued at $2,000 a front foot compare with the Cunard property in value? A. Why, I should say that the Cunard property was a little more valuable due to the fact that it has more upland to the land under water than this has.

Q. But this is more favorably located though, is it not? A. Oh, yes, but I have taken in less upland

than the Cunard sale in my calculation of $2,000 a front foot; it is practically all land under water. You can't compare the two because one is practically all land under water and the other is land under water and upland.

Q. How much deeper is the land here under water than the Cunard property? A. How what?

Q. From the bulkhead. A. How what?

Q. What is the comparison of depth between the two properties? A. On the Pennsylvania Railroad property that is being appraised there is a depth of 1,650 feet under water and on the Cunard property there is a depth of about 900 feet from the pierhead line to the existing bulkhead line.

Q. Do you think it adds to the value or lessens the value of the Pennsylvania Harsimus yard to go back 1,650 feet instead of the depth of the Cunard property? A. I don't see how I can answer a question of that kind.

Q. In other words, if you had gone back— A. I don't see what relation the taking of that out has got to do with the Cunard sale.

Q. Well, we will put it this way: If you had gone back on the Harsimus yard the same depth as the Cunard property, would you have put a lesser or a greater value upon this portion of the Harsimus yard? A. Why, I would have had to put a lesser value, because it would all have been land under water, whereas in the Cunard sale you have got upland. Take and average—I put an average on that land of $65,300 an acre, and the Cunard sale was $63,505 per acre—the sale to it was, rather.

Q. What is the condition or description of this land under water of the Harsimus yard?

Mr. Bain: What do you mean by description of it?

Mr. Stout: Well, I mean the condition of it.

Mr. Wall: Is it under water, you mean?

Mr. Stout: Yes; whether there are piers on it.

A. Yes, there are piers on it, and a very shallow depth of water.

Q. Slips between the piers? A. Yes.

Q. And in use? A. Yes, in railroad use; used by the railroad.

Q. Mr. Ryer, do you place the same valuation on this Harsimus yard, taking two tracts, one going from the pierhead line back to the imaginary bulkhead line, and then the other tract from the imaginary bulkhead line back to your 1,650 feet? A. I do.

Mr. Bain: What is meant by the imaginary bulkhead line?

Mr. Stout: Well, we will call it the Government bulkhead line?

Mr. Bain: Well, call it the Government bulkhead line then but not the imaginary line.

Mr. Wall: Why not call it the bulkhead line?

The Witness: I thought he meant from the Government pierhead line to the Government bulkhead line, and from the Government bulkhead line back to the existing bulkhead line. That was my understanding of the question.

Mr. Stout: Yes.

The Witness: I have.

Q. Yes. And which is the more valuable? A. They are both of equal value; both of equal value but different areas.

Q. Did you do that in respect to the southerly portion of the Harsimus yard? A. Did I do what?

Q. Put a greater value or the same value upon the property between the pierhead line and the Government bulkhead line as you did upon the land directly back of the Government bulkhead line. Is my question clear? A. No, it isn't. I go back 1,200 feet in the one case and I go back 1,600 feet in the other case, and if you will take back the 1,200 feet an average per acre, and the 1,600 feet an average per acre you will find the same average per acre, but one is 1,600 feet and the other twelve and the difference is that one is all land under water and the other is upland with a lesser area. Does that answer it?

Q. No. The southern portion of this Harsimus yard, did you put a different value on it by reason of the pierhead line and this Government bulkhead line than you did upon the remaining portion from the Government bulkhead line back to your 1,200 feet? A. I made no separation. I put a front foot value from the pierhead line back to back of the bulkhead line.

Q. Go to the next piece, Mr. Ryer. A. The next piece is Block 239 and Block 260, the Hoboken shops of the Pennsylvania Railroad Company, at Castle Point, Shore road to exterior line for piers. There is an acreage of 8.249 acres at $54,450 per acre, $449,058.

Q. Is that property of equal value with the Manor

tract adjoining, in your opinion? A. I should say it was very close to it, yes. The Manor tract is part of it. I think that the Hoboken shops of the Pennsylvania Railroad Company are a little less valuable than the Manor property due to the fact that the depth between the pierhead line and the rear line of the property is less on the average in the Hoboken shops property than it is in the Manor property, it being part of Castle Point where the southerly line of the Hoboken shops is 474 feet and the northerly line is 839 feet.

Q. Do you consider it more valuable or less valuable than the land comprehended in the sale of the Manor Company to the Hudson Realty Company? A. Less valuable.

Q. Less valuable? A. Due to the reasons I have just stated.

Q. In your opinion as the depth of these properties decrease in a certain locality, do they decrease in value? A. They do, depending of course upon circumstances and location.

Q. I mean— A. As you get down into the Castle Point property they do depreciate in value rapidly.

Q. You mean unit values? A. Unit values.

Q. Now, I guess that ends up the Pennsylvania. A. Yes, that is all on the Pennsylvania.

Q. Let's see, the nearest is the Lehigh Valley, or is it the Central? A. Either one. Which you going to take?

Q. I think we will take the Lehigh. A. The first parcel of the Lehigh—pardon me.

Q. Well, now, Mr. Ryer, can you take the Lehigh Valley Railroad properties and collect them, those which have the same value in your opinion? A. Yes.

Q. Due to similarity? A. Yes.

Q. So that we won't have to go over each one of these individually? A. Yes. What I can do is to give you each one with the value per acre and then where it contains the same value per acre I can run along until I strike a new value.

Mr. Stallman: They are all on the schedule.

The Witness: Yes, they are all on the schedule.

Mr. Stallman: Don't repeat what is on schedule. Couldn't we avoid that?

The Witness: Well, I have been repeating them all.

Mr. Stallman: I mean can't we save some time by not reading what Mr. Stout has already got before him?

The Witness: He has got it all in his schedules; unless he wants to ask me about some of these, I think it might go through as it is.

Mr. Stout: Well, for the record I don't see how we can refer to a certain piece of property unless we do read them.

Mr. Stallman: Yes, if there is some particular piece of property that you want to ask about.

Q. Go ahead, and combine them as you find them comparable.

Mr. Bain: Well, now, I should like to know what Mr. Stout wants.

Mr. Stout: Mr. Ryer knows what I mean.

Mr. Bain: This combining them oftentimes gives a wrong impression.

Mr. Margerum: I think, Mr. Bain, Mr. Stout's idea is to take these properties that are valued at $10,000 an acre and consolidate them and give them at one time.

Mr. Bain: Yes, but there may be half a dozen different kinds of property in different locations all at the rate of $10,000 per acre.

The Witness: There are.

Mr. Bain: And by combining them you would get a totally wrong impression whether they have any similar value because of similarity in location and condition.

Mr. Stout: I thought we might be able to shorten it up; where the values placed upon the property could be used as comparing them with another piece of property of the same valuation in the same locality we would take them up together.

Mr. Bain: I might suggest if Mr. Stout refers to the large map in evidence he can see at a glance all of the properties which are adjacent or lie close to each other.

Q. All right, take up the first tract then, Mr. Ryer. A. Block 1383, Plot 1, Merritt Street, Avenue C, to Morris Canal, adjoining the Lehigh Valley right of way, 1.476 acres at $6,000 per acre, $8,856. Now do you want the sales, Mr. Bain?

Mr. Bain: I think, Mr. Ryer, you had better wait and let Mr. Stout ask you questions. It is his cross-examination.

A. Block 1390, Lot 1—

Q. Just a minute.

Mr. Bain: There is no question.

Q. Give us the sales.

Mr. Bain: Sales of what and for what? That is a rather indefinite question. Mr. Stout merely says, "Give us the sales."

Q. All right, give us the sales which you use in arriving at the value of this particular piece of property.

Mr. Bain: I wanted the record clear.

Mr. Stout: I would like to cut my questions down. Maybe sometimes they are not intelligible because I cut them too much. I want to get through with this thing.

A. In August, 1919, William M. Crane Company purchased land between the Lehigh Valley right of way, the Hudson County Boulevard and Newark Bay, together with the riper, for a consideration of $55,000, containing 8.7 acres, at $6,322 per acre. That is all on that.

Q. That is the only sale in that immediate locality that you considered in arriving at the value of this property? A. No, I considered sales in 1914, 1920, 1912, 1909, 1912, of the Park sales and of the purchases by the Lehigh Valley for their right of way, the purchases by the Lehigh Valley from the Passaic Valley Sewage Commission as well.

Q. But those are the only sales that you want to specifically— A. It is the only new sale that the Board hasn't got that I know of. I can give the other sales. I have other sales here.

Mr. Stout: As I understand it, this matter of this appeal of these properties is a new

matter for the Board and the sales that the Board has had or considered in third class railroad property is not a part of this record, and I can't quite appreciate why the witnesses shouldn't give all the sales which were of any benefit in arriving at the value of the properties here under review.

The Witness: I couldn't possibly—

Mr. Bain: Just a moment, Mr. Ryer. Is Mr. Stout making a statement on the record or asking a question?

Mr. Stout: I am making a statement, because Mr. Ryer said that these were the only new sales.

Mr. Bain: Well, I am satisfied that the witness will give counsel all of the information as to sales, if it is asked for.

Q. Give us the sales which were helpful to you in arriving at the value of this particular piece of property. A. February 20, 1914, Block O, Bayonne, Currie to the Passaic Valley Sewage Commission, consideration $8,078, riparian lands in Newark Bay consisting of 2.138 acres, at $3,778 an acre.

Mr. Bain: Well, state in each case, Mr. Ryer, how far the property is from this particular piece under consideration.

The Witness: That property is directly to the north and west—well, it is west of this property on the Newark Bay and—to the north of it, I should say, a trifle; it is a trifle to the north.

Mr. Bain: It doesn't adjoin it, does it?

The Witness: No, it isn't adjoining.

A. August 11, 1919, New York and New Jersey Construction Company to William M. Crane Company, consideration $20,000, I gave you that, 8.7 acres—no, one minute; 5.36 acres.

Imbrie to William M. Crane Company, consideration $20,000, the same date, 2.34 acres.

The Mutual Benefit Investment Company to William M. Crane Company, December 11, 1919, consideration $15,000, one acre.

May 7, 1920, William M. Crane Company to the Lehigh Valley Railroad Company, consideration $15,000, for 9.45 acres. This was the purchase of a right of way through the Crane property.

May 12, 1920, Block O, parts of Lot 15 and 16, M. J. Currie to the Lehigh Valley Railroad Company, consideration $1,500, on the north side of 63rd Street, west of the Boulevard, 1.65 acres at $9,091 an acre.

Property directly across the canal and running down to and practically adjoining this parcel, was purchased by the Hudson County Park Commission in 1912, from M. J. Currie, for $13,900, 2.3 acres, at $5,770 an acre—

Q. Just a minute. That wasn't a condemnation? A. Well, yes, it was part of condemnation, that part; yes; it was condemnation.

Q. Will you confine your answer to sales by private contract? A. I thought you wanted the sales, whether they were—

Q. Oh, no.

Mr. Wall: Well, you asked him what he had considered?

The Witness: Yes, and I am considering those sales.

Mr. Wall: Now, if he is considering something he ought not to have considered, that doesn't close his mouth as to what he had considered. It might go to the weight of his evidence, perhaps.

A. (Continuing.) Entire Block 4, in Bayonne, December 3, 1909, James Wilkinson to the Hudson County Park Commission, $8,250 consideration. 62nd Street, Morris Canal, 61st Street and the Boulevard, 1.8 acres at $4,580 an acre.

Block 6, Lots 28 to 40, March 6, 1912, and 11, to the Hudson County Park Commission, consideration $4,600, 1.66 acres at $4,340 an acre, on the north side of 60th Street, at the Boulevard. I think that is all.

Q. Mr. Ryer, how near now, in feet, is the nearest sale that you have referred to? A. About 75 feet from the parcel in question, or say a hundred.

Q. Which one was that? A. Those were the Park purchases, directly across the canal and toward the Boulevard from this right of way.

Q. Did you give very much consideration to those sales to the Park Commission? A. I did not. They were in 1912 and were sales of lands directly across the canal. I put a higher value on this.

Q. This land under consideration is more valuable than the land involved in any of those sales you referred to? A. I don't think so because of the fact that this is very similar land to the Park purchases, very similar; there is no street frontage to it until you get out to Avenue C, there is a hundred feet frontage on Avenue C where the trolley runs around, but in that section it is all uneven land.

Q. Mr. Ryer, will you point that piece of property out on the map? A. (Witness refers to map.) I cannot indicate on this map where the property is because this map doesn't go that far. I can indicate about where it is, if you wish. It is about in here, running down to the canal. The canal comes out here (indicating).

Q. Is this Avenue C? A. Yes, I can indicate it on here. Here it is, there; the piece of property indicated on this map as Lehigh Valley Railroad Company, the westerly piece, west of Avenue C and north of the Pennsylvania Railroad indicated on this map. There is the piece in there, right in there (indicating).

Mr. Stallman: About on the boundary line between Bayonne and Jersey City?

The Witness: Yes; it is just at the edge of Jersey City going into Bayonne; just before you go into Bayonne.

Q. These sales that you have mentioned were the only ones that you considered? A. Oh, no. I considered the Sheffield Farm purchase. I had that property for sale. The whole block in there sold, with a frontage on two streets, three streets—on the Sheffield Farm; two streets on the rest of it.

Q. When was that sale? A. Why, those sales were back, I think, in about 1912 or 1913, 1914, somewhere along there. I have them in my books, but I haven't got my books with me; I couldn't bring them all along.

Q. Were they similar enough to be of much— A. Not at all, they weren't similar, they were an entirely different class of property; they were properties on improved streets, right at the end of the city development.

Q. Not very helpful then? A. I don't think so, in arriving at the value of this property. They helped, yes, because you have got to know what property is selling for on Ocean and Cater Avenue and Old Bergen road, but you don't apply the value of that land, in my judgment, to this land. This is an entirely different kind of land. This is part of the Currie woods.

Q. You gave the sale to the factory sites? A. I didn't, but I have it here. I will give it to you, if you wish.

Q. You didn't use— A. That was only $3,000 an acre. I didn't consider that as very controlling, although it is partially similar land. I was going to give you those factory sales when I came along to the rights of way of the railroads on the other side.

Q. I see. You considered the Currie sale to the Tide Water Oil? A. Yes; considered the Pennsylvania Railroad sale to the Lehigh Valley.

Q. Mr. Ryer, have you added anything, or rather did you increase your valuation of this property by reason of its continuity and the right of way? A. Why, it is the right of way; no continuity to it, it is the right of way; this is part of the right of way.

Q. Well, I mean, but there is continuity— A. Oh, you mean to the other parcels than the right of way?

Q. Yes. A. I simply took this into consideration as land belonging to the right of way only.

Q. You mean based upon building lot valuations? A. Based upon building lot, or factory lot, or railroad site, or any valuation you will

permit of the property around there; surrounding land values.

Q. Well, which was the most helpful? The lot valuation? A. No, there isn't any lot valuations there that will be a help to you in this class of lands. It is all acres; it is woods and rock, and it is all Currie's woods. The whole section in there is Currie's woods. The City purchased the biggest part of it, that is, outside of what the railroads' rights of way has got, the City purchased the biggest part of it for a park.

Q. Isn't the adjoining property there city lots? A. Well, if you call adjoining across the street there on Merritt Street, it isn't an improved street, Merritt Street isn't, and there is no city lots in there; I think it is one big piece there, with one house on it. It is an old piece of property that Jim Pyle bought some years ago. He paid $9,000 for the whole thing. Whether he sold it since I don't know.

Q. Do you know the value of building lots in there? A. I do.

Q. How much is the value of building lots in there? A. On Merritt Street?

Q. Yes? A. You have got to indicate, because Merritt Street has an entirely different value from Ocean Avenue, and Ocean Avenue has an entirely different value from Old Bergen Road.

Q. Well, we will say opposite this property. A. I should say on Merritt Street opposite this piece of property the land was worth about six or $700 a lot.

Q. How many lots to the acre do you figure, Mr. Ryer? A. Depending entirely upon what I am doing. Seventeen lots in arriving at actual 25 by 100

foot lots, and if you take out the street you can develop an acre of land to 12 lots on the average in Jersey City.

Q. The next tract, Mr. Ryer. A. The next tract is Block 1390, Lot 1, Merritt Street, Avenue C, to Garfield Avenue, consisting of 1.602 acres, located between Avenue C and Garfield Avenue, running along Merritt Street.

Q. Same sources— A. The value I placed there is $8,000 an acre, or a value of $12,816. I might say that in my answer to Mr. Stout's question as to what the value of the lots were, I meant the lots opposite this property, and not opposite the last piece, because you can get no lots opposite the last piece. That is, opposite the Currie woods. Here you can get lots. And these lots on Merritt Street would be worth six or $700 a lot.

Mr. Bain: That is opposite—

The Witness: 1390, Lot 1, but I stated that it was opposite the last piece, and I was wrong; opposite this piece. This is on Ocean Avenue, comes down to where the trolley car turns down Merritt Street and goes out Avenue C to Bayonne.

Q. You used the same sales in arriving at the value of this property? A. I did, but I get a higher valuation for this by two thousand dollars an acre, due to the fact that it has a frontage on Avenue C and Garfield Avenue, and has a frontage on the unimproved Merritt Street.

Q. Take the next tract.

Mr. Bain: Now, what does Mr. Stout want him to do in taking the next tract? I sub-

mit a question, "Take the next tract," doesn't mean anything.

The Witness: It is only the description.

Mr. Bain: My objection is that this appears to be a waste of time. The witness is merely repeating the figures in the schedule which is already in evidence. If Mr. Stout wants information on a particular point he has a right to call for it.

Mr. Stout: Well, how will it appear, Mr. Bain, in the record?

Mr. Bain: Point out the schedules.

Mr. Stout: All right, but how does the record show just which piece of property Mr. Ryer is considering unless he does state it if they are not numbered here in some way?

Mr. Wall: What do you ask him with reference to it, that is the question. You just start him and he unwinds the same matter that is on the schedule. What do you want to know about it?

Mr. Stout: I thought we would save time, but we will go the old way.

Q. Mr. Ryer, referring to Lot 8—

Mr. Stout: What I was trying to do was to let Mr. Ryer go ahead and take up each tract and tell us how he arrived at his valuation. When I say, "Take the next tract," the other is implied. Mr. Bain doesn't seem to want to take anything for inference.

Mr. Bain: My purpose was only to save as much time as possible and it seemed to me it was a waste of time to have the witness re-

peat whatever was already in evidence in schedule form.

Mr. Stallman: It is all on his map before him.

The President: I hardly think it is as comprehensive there.

Mr. Bain: Well, if your question is plain and the witness knows what you want, let's go ahead. Perhaps that is the shortest method after all.

A recess was here taken until 2 P. M.

After recess.

THOMAS A. RYER resumes the stand.

Cross-examination continued by Mr. Stout:

Q. Mr. Ryer, will you analyze your valuation of Lot 8—B and B1, main stem, Block 1510, described as Brown Place to Linden Avenue, Jersey City, consisting of 2.911 acres? A. This piece of property is a piece of main stem running from the center line of Linden Avenue extended, paralleling the Morris Canal and west of the canal, containing 2.911 acres; I valued that at $10,000 per acre, total valuation, $29,110.

Q. What is your analysis of valuation? A. The analysis is that I placed it at $10,000 an acre. It is a long strip of upland all of the same character from street to street, and I placed $10,000 an acre on it as a valuation.

Q. What is the basis of your valuation? A. The sales of Block 529, Bayonne, Lots 15, 2c,

42 and 47, February 2, 1920, Crayton to the Nitrate Agencies Company, consideration, $12,000, being plot of land between First and Second Streets just north of Avenue C, containing—rail connection—containing 1.195 acres, sold for $10,000 per acre.

Q. How far is the property involved in that sale from the property here under consideration? A. A long distance. It is similar—

Q. How many miles? A. It is from this—this property under appraisal is in Jersey City and the other is at Bergen Point.

Q. How many miles, about? A. Oh, I should say 2 1/2 miles below.

Q. You haven't got any farther away than that, have you? A. Why, I think that is the farthest one that I have. I was coming up to the nearer ones; only—that is the nearest similar land that I have—in conjunction with some others. Block 1393 to 1399, on December 26, 1913, Garland to Factory Site Corporation, consideration, $60,000, located on Garfield Avenue, Morris Canal, New York Bay Railroad Company 20 acres at $3,000 per acre. Block fifteen hundred—

Q. What is the date of that, Mr. Ryer? A. December 26, 1913. That property I have for sale today. Block 1513, Lots A2, A4, B, E, and F, June 12, 1919, Currie Estate to Tide Water Oil consideration $278,100. Jersey City at the Bayonne line and Morris Canal, 18.54 acres, at $15,000 an acre. Blocks 2078, 2079 and 2080, in Jersey City, purchases from 1910 to 1921, which I personally made, or, rather,

sales which I personally made, to the Jersey City Printing Company, on the north side of Maple Street, west of Van Horn Street, 3.216 acres, at $10,000 per acre.

Q. How far is the Maple Street property from the property under consideration? A. Oh, I should say it was a mile or more. Of course, I have used these sales in my valuation, running right straight down to where—nearer to this property. I am giving you the sales now.

Mr. Dunham: Does this same series of sales apply to all?

The Witness: Not to all, no. When I get further down I will have some more sales, but these are the nearest sales I could apply, these being sales of upland applying to upland such as in the 1510, Lot 8, B and B1, that we are appraising. When I get to the other classes of land I have other sales for them in the immediate neighborhood.

Q. Mr. Ryer, with respect to these Maple Street lots, they were purchased at different prices? A. Yes; they were gathered together. The greater part I sold originally, and since then I have gathered together more land to add to that entire area comprising the 3.46 acres.

Q. What was the price of those lots, purchase price? A. Well, they were—

Q. I represent the estate that sold them. A. I know you do, because that is why I am bringing them out; you know about them and how I sold them. I sold them for you.

Q. What did you sell them for? A. The first sale I made to the Jersey City Printing Company was from Hill at a consideration of $11,050.

Q. How many lots were involved in that? A. There was an acre—1.105 in that. And the price was $11,050 an acre. The next piece which I sold at the same time was Mangles to the Jersey City Printing Company, consideration $12,500, the acreage was 1.286, at $9,720 per acre. Another parcel which I sold at the same time adjoining was Botchin and Holliday to the Jersey City Printing Company, a consideration $1,400, area was .215 acres, at $6,511 per acre. On November 29, 1915, I sold from Pritchard to the Jersey City Printing Company, Lots 25, 26, 27 and 28, in Block 2078, adjoining the other sales, a plot of .298 acres, at $10,400 per acre, and a consideration of $3,100. On December 28, 1920, I sold Lot 30, adjoining the above property in Block 2078, from Elizabeth M. Davis to the Jersey City Printing Company, and the consideration was $900.

Q. Just a minute. A. Let me—and an area of .074 acres at $12,100 per acre.

Q. You sold that, did you? A. I certainly did.

Q. Don't you know that property— A. I beg your pardon, that one lot was sold at auction. That was the one I didn't sell. No; you are right. That was sold at auction. That is one lot I didn't sell. That is right. They bought that at auction. In Block 2078, one-half of Woodward Street, in Lot 32, on September 30, 1921, Robert Davis, Jr.,

to the Jersey City Printing Company, consideration $2,100, .164 acres at $12,200 per acre, and in December, 1921, we closed the contract which has not—the deed has not passed as yet, unless you passed it yesterday, or the day before.

Q. Yes; we passed that. A. Well, then, that is within the last two or three days. We closed the contract in December, 1921, to Lot 31 in Block 2078, Elizabeth Spratt to the Jersey City Printing Company, consideration $1,100, .074 acres, at $14,860 per acre. These sales together make an average of 3.2161 acres at $10,000 per acre.

Q. Can you take the average sale price there as the market value? A. No; I am simply giving you what the property sold for.

Q. Well, do you think it was above or below market value? A. That property?

Q. Yes. A. I think it was about at market value.

Q. The average— A. A little less, possibly. I think that property was worth probably $12,000 an acre—today.

Q. But that property helped you very little in determining the value of the piece of property here under consideration, which is over a mile away. A. It helped me a whole lot, because it is the same character of land with the land in question. There isn't any in this section that you can get any sales of any land because there are none there where this right of way goes through.

Q. So you think that property over a mile away was of some help to you in arriving at the value of

this particular property? A. It was a help to me, as well as the Currie sale, and as well as the Factory Site sale and many other sales that I have. I have quoted a number of sales here which helped me in arriving at my valuation, five or six.

Q. The Currie sale, the sale of the Currie property, was that property nearer than any of the others that you have referred to? A. No.

Q. Which is the nearest—Factory Sites? A. No, the Currie and the Factory Sites were about the same distance.

Mr. Bain: What piece of main stem are you referring to particularly now?

The Witness: The piece of main stem running from the center line of Linden Avenue to the east line of Brown place.

Q. Now, is your basis of valuation for the next tract known as Lot A, main stem, in Block 1505, Linden Avenue to Chapel Street, Jersey City, consisting of 4.444 acres, based on the same sales and the same reasoning? A. It is. This land in 1505, A, and in 1510, 8B and B1; the sales are on both ends, some north and some south.

Q. Is your valuation of those two tracts higher or lower than the adjacent property on either side? A. I don't know. There are no sales of any land on either side.

Q. Well, do you know the value of the property on either side? A. Well, in my judgment it is $10,000 an acre. Oh, yes; it would be based upon the value of the lands on either side, if there were any sales there that would indicate my judgment.

Q. You added nothing for continuity? A. I did not.

Q. Take the next tract, known as lot main stem, Block 1492, Chapel Avenue north, Jersey City, consisting of 4.084 acres, and give us the basis of your valuation there? A. 4.084 acres, at $6,000 per acre, $24,504. This property is located north of Chapel Avenue back of the cemetery and along the Morris Canal.

Q. Yes, but just what was the basis of your valuation? A. The same sales I have mentioned, and in addition to that the sales in Block 2016, Lots 34—

Mr. Bain: Will you state where those lots are, Mr. Ryer?

The Witness: I describe that afterwards.

Mr. Bain: No; I mean the sales.

The Witness: I describe them afterwards as to where they are located. Do you want me to describe them first?

Mr. Bain: As long as you state their relation to the land under consideration.

The Witness: I stated some were north and some were south.

A. Lots 3 and 4, and part of 5 and 11 to 16, inclusive, and 58 to 67 inclusive, in Block 2016, February 24, 1915, Rodgers to the National Products Refining Company, consideration $4,500. On the south side of Carteret Avenue and the west side of Holiday Street, one acre at $4,500 an acre. And 2016, Lots 17 to 21, 53 to 57, inclusive, May 15, 1919, Cleary to Weil consideration $2,100. Valley and Holiday Street, .60 acres, $3,500 per acre. Block 2024, Lots 9 to 14, February, 1915, Goldstein to Baker, consideration $900, .06 acres, $2,600 per acre. Sep-

tember, 1915, Block 2024, Lots 3, 4, 6, 16, 58 to 62, Rodgers to National Products Company consideration $4,500 Carteret Avenue and Holiday Street, 58,000 square feet, at $3,400 an acre. Block 2024, Lots 20 to 28, January, 1918, Condit to Hansen, consideration $3,000, west side of Holiday Street, north of Carteret, .516 acres at $5,800 per acre. These properties are located to the north of the property appraised and on the opposite side from the canal.

Mr. Bain: How far to the north?

The Witness: Why, I should say about—within 2,000 feet, 2,500 feet.

Mr. Bain: They are the nearest sales you could find?

The Witness: They are.

Mr. Stout: Are you cross-examining, Bob?

Mr. Bain: No, but I thought we had better straighten these things out as we go along. It will save time on re-direct.

Q. Did you mention the sale to Goldberg? A. I did.

Q. Did you in arriving at your acreage valuation include the streets in the area? A. I did not, in those sales.

Q. You didn't? A. No. That would have been much less, but I didn't do that. I merely included the area as shown by the lots. Those streets are not improved streets.

Q. And those sales are the only sales which you considered in arriving at this parcel on which you put a value of $6,000 per acre? A. Yes, in con-

nection with many, many other sales that I made in that section in the last twenty years. My office was within a very short distance from this property, and I sold practically 90 per cent of the property that was sold in that section for a great many years.

Q. Do you know of any nearer sales than the ones you mentioned? A. Not of that class of property, no. There have been none, to my knowledge.

Q. Well, do you know of any nearer sales, or, rather, sales of property located nearer than the ones that you have mentioned? A. I do in this way, that out here on Ocean Avenue where I don't think it is comparable I have made sales right out there on the main streets, but of this class of land I know of no nearer sales of property than I have quoted.

Q. Well, without your determining the comparability of the land, you do know of sales made of property nearer than those which you have referred to?

Mr. Bain: I object to that question on the ground that sales of property that are entirely incomparable are certainly not evidence.

Mr. Stout: Well, my point is this, that we are not going to let Mr. Ryer be the sole judge of comparability.

Mr. Bain: I object to the question. I think it is entirely incompetent.

Mr. Stout: I want to get all sales, if I can, in this locality.

Mr. Bain: Suppose the witness says yes, he knows of some nearer sales. Then we may

go on an hour, or two hours, or a few hours, demonstrating that they were of entirely incomparable property. It is only a waste of time.

Mr. Stout: Oh, no; Mr. Ryer can throw them out in a minute.

The President: Repeat that question.

(Question read.)

Mr. Bain: That calls for a statement as to sales of incomparable land.

Mr. Stout: It does not. I submit that it does not.

Mr. Bain: Of incomparable lands, and I submit it is an entirely improper question.

The President: I am inclined to overrule the objection.

A. I haven't with me today the record of many sales that I have made in that neighborhood. Some of them would be possibly nearer in a straight line to this property, but I haven't them with me today. I can get up a schedule, if you wish. I sold a great deal of land through that section, but none east of the cemetery, and I don't believe anyone else has sold anything east of the cemetery until you get down to the Lehigh Valley purchases of the water front, because there is no land in there that I know of that has been sold since the railroads purchased their rights of way, because there is nothing through that land but the rights of way of the railroads.

Q. Well, you took into consideration the Currie sale and the sale— A. Of course I did, I mentioned

it, and gave it to you, and you asked me just now what I have got beyond that, and I am telling you I have got a lot of sales there, but they weren't comparable and I didn't bring them in, because they are in the city proper.

Q. And the New York Bay to the Lehigh Valley, you also considered that? A. I did.

Q. And the number of sales to the Lehigh Valley for their terminal yard? A. Yes.

Q. Will you give us the basis of your valuation for the next tract, known as Lot 4, main stem, Block 1492, south of Claremont Yard, Jersey City, consisting of 1.453 acres? A. The last sales that I went through apply to that. That is the southerly end of the Claremont yard, west of the canal.

Q. And do you put a higher value upon this property, due to location, than on the other? A. Yes, higher than I did on the last piece of main stem to the south.

Q. By reason of location? A. Yes, by reason—by reason of its access to Caven Point road.

The President: Did you say west of the canal?

The Witness: I did. East of the canal, I should have said. You are right. That should have been east of the canal instead of west of the canal.

Q. And your basis of valuation for the next tract, known as Lot 1a, in Block 1491, consisting of 3.130 acres, is the same? A. That is the continuation of this main stem up to Caven Point Road, and it is within a very short distance of the sales I have mentioned. The sales that I have mentioned are all—

that is, the last sales that I have mentioned were all just north of Caven Point Road, and within an area there of a few blocks—two blocks, about.

Q. What do you say in respect to the next tract, is your basis of valuation the same there, consisting of 5.769 acres? A. No, in that I took the area—one-half of the area as being of the same value as the sales mentioned in the last area or last zone, and then I took the balance of the area where it runs up to the Newark and New York Branch of the Central back of the A. B. C. Elevator property, at $10,000 an acre, making one-half of it at $7,200 an acre, and one-half at $10,000 an acre; average price of the entire right of way of $8,600 per acre.

Q. And made the $10,000 property there comparable with the next tract on your appraisal? A. Yes. The next piece is a continuation of that between the Y's of the Central Railroad of New Jersey and the Newark and New York Branch.

Q. And you added nothing to these main stem properties by reason of their continuity? A. I did not.

Q. And your valuation is based upon your valuation of the adjoining lands? A. It is.

Q. You added nothing to your valuation due to the fact that the property is being used for railroad purposes? A. I simply valued it as land for any purpose that it might be put to, for any use that it might be put to.

Q. Take the next parcel, Lot 25, main stem, in Block 2047, consisting of .971 acres, and give us the basis of your valuation. A. That main stem runs up to Communipaw Avenue, and I placed a valuation of $16,000 an acre upon that.

Mr. Bain: From what?

The Witness: Well, there is no point you can go—well, from the Central Railroad of New Jersey, Newark and New York Branch, to Communipaw Avenue. That is the only description I can give you there.

Q. Do you use the same sales in arriving at the value of this particular property? A. Those sales and other sales. I used also the sales, the several sales of the property on Johnston Avenue, which is one block north from Charlie Lowemeyer to the Casket Company and from the Casket Company to the Manhattan Electric Supply Company.

Q. How far are the properties involving those sales from this particular piece of property? A. Why, the property of the Hudson Electric Supply Company is one block to the north, and two blocks probably to the west. Then I also sold two blocks further west from the Manhattan Electric Supply Company to F. W. Bussing. I sold him his factory site on Ash Street.

Q. What was the average value per acre involved in those sales? A. In the Manhattan Electric Supply Company it was at a higher price, having three street frontages, than I have placed upon the property sold to Bussing, I think I have placed a higher price, $16,000 an acre, than I sold to Bussing.

Q. Yes. I would like to know what the selling price of the Manhattan property was? A. Well, I can't tell you that. I have got that in my book at

the office, and if anything like that you desire, I would be glad to make it up and give it to you. I have it all. I have all the sales from the beginning.

Q. You used it? A. Certainly, I used it.

Q. But you haven't brought— A. But I haven't it with me, no.

Q. When was that sale made? A. Why, there were several sales of that property and the last sale to the Manhattan Electric I think was made about five or six, possibly seven years ago.

Q. That was the most recent one? A. Yes, that was the last sale. They occupy the property and have their buildings on it. That runs out to Johnston Avenue and has a street on each side of it, running to the elevated structure of the National Docks.

Q. Did you consider this piece of property of the Lehigh Valley more valuable on January 1, 1921, than at the time of those sales? A. I don't know whether I did or not at that point. There has been very little activity in there, and very few sales. It is a very inactive neighborhood.

Q. The next tract, consisting of 3.352 acres, on which you put the same valuation, you used the same sales and the same reasoning in arriving at a valuation? A. Yes. That is the right of way running from Communipaw Avenue over to Johnston Avenue.

Q. And is that so in respect to the next tract, consisting if 1.607 acres? A. Yes, that is the continuation of the right of way from Johnston Avenue over to the center line of Jersey Avenue, if extended.

Q. You used the same sales and the same reasoning in arriving— A. Identically.

Q. Referring to the next parcel, Lot 43, main stem, in Block 2145, Jersey Avenue to 160 feet west of Van Vorst Street, Jersey City, consisting of 5.941 acres; give us the basis of your valuation for that property. A. My valuation there was $21,277 per acre, or a total valuation of $126,406. That is part of the Tide Water Basin property at the westerly end of Tide Water Basin running back to Jersey Avenue, and I placed the same valuation upon the main stem as I did on the entire tract in another appraisal which comes later.

Q. You used the same sales as you did in respect to these other— A. Well, those sales wouldn't apply to this. I don't know of any piece of property in Hudson County that has ever sold similar to this; in fact, I don't know where there is a similar piece of property to this. This is the only—

Q. Then, you relied here almost entirely upon your judgment? A. I did.

Q. Take the next tract, consisting of 2.433 acres, your valuation, $44,356 per acre, and give us the basis of your valuation of that property. A. That is purely a matter of judgment, and is based upon the same valuation as I placed upon the Tide Water Basin at that point in a subsequent appraisal, and is based purely upon judgment, there being no sales of similar lands.

Q. And the next tract, consisting of 2.835 acres, valuation $47,400 per acre. A. That is the continuation of the main stem to the bulkhead line, and I valued that as part of the water front property

on the Hudson River, and my valuation is the same as the terminal yard valuation that comes later.

Q. Where is the location of this property? A. That is right at the Tide Water Basin and the canal. That is this, right from here to here (indicating on map). We are only down to the bulkhead now. We haven't gone over yet.

Q. You don't consider the last piece of property only about $3,000 an acre more valuable than the previous piece to the west? A. That is all. It is all one tract, but I merely cut it up this way for the purpose of your assessment.

Q. Yes, and is that due to the fact of its being nearer the water front that you put a higher value upon this tract? A. Yes, on the last tract.

Q. Yes. What was that based on? A. Purely judgment, and the water front sales that I have mentioned all through the case, and such knowledge as I may have in twenty years' experience.

Q. Well, I know, but you used all that for judgment? A. Yes. I tell you that it is all judgment on this particular case, because there is nothing to go by.

Q. Take the next tract, consisting of 4.362 acres. A. That is the Edgewater Branch—

Q. Give us the basis of your valuation? A. That is the Edgewater Branch, running from the center of Mill Creek at the Morris Canal, paralleling the main stem of the National Docks and running to the south as far as the main stem of the Lehigh Valley.

Q. Is that based upon the value of the lands on either side? A. Well, there have been no sales of property to the east of this that I know of. It is all railroad property belonging to the Lehigh Valley and the Central Railroad, and I have based it upon my knowledge of sales to the west, one of which I have quoted as being the Manhattan Electric Supply Company, which comes right into the National Docks' main stem at about the middle from Johnston Avenue.

Mr. Bain: To what?

The Witness: To the middle of the National Docks Branch.

Mr. Bain: You say it comes in the middle of the National Docks Branch, from Johnston Avenue to what?

The Witness: Well, from the Lehigh Valley main stem to the Morris Canal, running from Johnston Avenue back to the center at that point.

Q. That isn't based upon a city lot valuation? A. Oh, no; that is based upon an acreage valuation. That is all acreage in there. There are no streets in this tract.

Q. Well, you considered this sale to the Manhattan Electric Supply Company? A. Of course, I considered it, but I didn't apply it.

Q. That was city lots? A. Certainly, but I didn't apply it as so much per acre paid for the Manhattan Electric Supply and apply it to this. I simply used that as one of my elements in making my valuation, one of the things which I considered. Of course, I had to take many other things into consideration to get at the value of this property. This is filled

meadow land in an entirely different area, away from streets.

Q. Is the Manhattan sale the nearest sale to this property that you considered? A. It is. It is the nearest sale that has ever been made to this property, that I have knowledge of.

Q. You don't know of any nearer sales? A. No, and I don't think anyone else does. I don't think any sale of nearer property has ever been made to this property.

Q. Do you know of any sales close to this property made to the Lehigh Valley? A. Not as close as this. The Lehigh Valley did purchase some other lands on the opposite side of the canal down near Jersey Avenue, but that isn't as near as this land, near as the Manhattan Electric Supply. It is an entirely different section. One is in Lafayette and the other is in Jersey City.

Q. You mean by that that it is in a different section of Jersey City? A. Yes. One we call Lafayette and the other we call Jersey City.

Q. The Lafayette section of Jersey City? A. The Lafayette section of Jersey City. To get from Johnston Avenue where the Manhattan Electric Supply sale was located, around to where the Lehigh Valley purchased at Jersey Avenue, you have to go back to Pacific Avenue and around to Grand Street, and down Grand and over to Jersey Avenue to this property. You can't get to it in any other way, unless you go across Jersey Avenue at the risk of your life in being buried in mud. I have tried it several times.

Q. Don't you have to do that to get to the Manhattan property? A. No; the Manhattan property

is right out on an improved street, on Johnston Avenue.

Mr. Dunham: Well, you don't consider any others?

The Witness: Yes, I did consider the others, too.

Q. You say you did consider— A. Certainly. I have other sales that I have got in there that I took into consideration when I was making my valuation of this property. I knew about those sales.

Q. Will you give us the other sales that you considered there? A. I can't do it because there are so many of them I didn't tabulate them in this case. I have got, as I say, a great many sales.

Q. You only tabulated those which were the most helpful? A. Which I thought were the most important, that is all. The other sales I didn't burden myself with, because I couldn't; there were so many of them.

Q. Take the next tract— A. If there are any you would like to know about I will bring them. I have them in my records.

Q. —consisting of .518 acres. A. That is the property running from Warren Street to Van Vorst and south of the canal. I valued that at $24,000 per acre.

Q. What is the basis of your valuation? A. I don't think there is any land in there that has sold comparable to this. There is a small piece of land south of the canal and running along the edge of the canal with only 18 feet of frontage on Warren Street, Warren Street not being improved at that point. I don't know of any sale of land in there. I

have some land today that might be comparable to it if it was a sale, but I have only got it for sale.

Q. Do you know what the Lehigh Valley paid for this piece of property? A. No; they bought that sometime ago, I think. I don't know what they paid for it.

Q. You don't think that was important? A. Yes, I should think that was important, but I didn't know that they had purchased it, and when.

Q. Take the next tract, Mr. Ryer, consisting of 3.753 acres, and give us the basis of your valuation? A. That is main stem of the National Docks, running from Grand Street to Montgomery Street, and I valued that at $12,000 per acre. That is the elevated structure running across from Grand to Montgomery Street, over to the National Grocery. No, it doesn't run to the National Grocery. The National Grocery is on the opposite side of the street.

The President: Parallels the fight ground?

The Witness: Yes, it is right back of where we saw the fight.

Q. What do you base that on? A. I am going to give you that, Mr. Stout, in just a second. I have it here. On May 13, 1919, in Block 2137, Lots 1 to 4 inclusive and 29 to 32 inclusive were sold by the Commercial Trust Company, or rather by the trustee —Commercial Trust Company, trustee, for Dan Cleary to Abe Stool for a consideration of $2,600, May 13, 1919.

Mr. Bain: Well, Mr. Ryer, you state the lot and block number, but you don't state how close it is to the property under consideration. Will you please tell us that in each case?

The Witness: I was going to give you that when I got through, but do you want it first?

Mr. Bain: Well, as long as you state it sometime.

The Witness: Well, I will always finish up with it; try to.

A. (Continuing.) Located on Merseles Street, Colden and Brook Street, containing .46 acres, $5,600 per acre. It is located directly across Merseles Street from the National Docks Branch main stem that has been appraised, just north of Grand Street. The next piece is on the northerly side of Colden Street, east of Merseles Street and within 200 feet of the National Docks Branch in the appraisal, Block 2137, Lots 5, 6, 7 and 8, which was sold on May 13, 1919, to—Commercial Trust Company to Everson, consideration $1,650, containing .23 acres, at $7,000 per acre.

The next piece is part of the same block and within 200 feet of the main stem, in Block 2137, Lots 25 to 28, May 15, 1919, Commercial Trust Company to Miele, consideration $1,755, on the south side of Brook Street, containing .23 acres, at $7,600 per acre.

The next piece is directly east and adjoining the National Docks Branch under appraisal and which was sold—in Block 2134, Lots 6 to 11 and a part of C, D and E, was sold December 7, 1911, by the Le-

high Valley Railroad Company to Forbes. The consideration was $4,500. The area 1.233 acres, and the rate per acre $3,650.

Q. Do you consider those sales were made at market value? A. The sale to Forbes was made at market value at the time it was made. Forbes has since filled in his property and improved it, and it is worth in my judgment more money today. The property to Stool and the other two following was purchased by Cleary and testified to by me sometime before the Board here, at $5,500. It was sold in three parcels either a year or two years later at about the same price. The advance was very slight.

Q. When was the last sale made? A. In 1919. There was sixteen lots in there purchased by Cleary—

Q. From whom? A. The Whittmore estate. Then I sold eight of them to Stool and four of them to two different purchasers, at the back, separating them.

Q. Do you know of any other sales in this locality? A. I have a number of other sales in there to the east of this property that I have mentioned and in fact—

Mr. Stallman: Farther away from the property under discussion?

The Witness: Yes, farther away from the property under discussion, and I also purchased the entire Fifth Ward Park by private purchase and condemnation, located on both sides of this right of way on Montgomery Street, about 1911, for the City. I had that knowledge in view when I made this estimate of value.

Q. Do you know of any other sales west of this property?

Mr. Bain: How far west?

Mr. Stout: I mean any in the immediate neighborhood.

A. Yes, I have further sales west. I can't give them to you now, I haven't them with me, but I have sales to the west as well.

Q. Do you know the sale to John F. Boyle? A. Yes.

Q. When was that sale? A. That was part of the arena.

Q. When was that made? A. I couldn't tell you off-hand. I would have to look it up for you, Mr. Stout.

Q. Do you know the price? A. I can't remember that off-hand. I know when John Boyle bought that, and what he paid for it.

Q. You considered that sale? A. I did; considered all the sales there.

Q. But you haven't got a memorandum here? A. I haven't. These sales were right next to the right of way, and I thought they were of some value to the Board and I have included them here. The other sales Mr. Dunham knows about, he can testify to those and that will bring them all in then.

Q. The Boyle property is pretty close to this, isn't it? A. Yes, fairly close. Not as close as these properties. The Boyle property is to the east as well. That is in the arena. They have now erected the arena on that property.

Q. Do you consider this property under appraisement— A. I am wrong, the property is to the west of the right of way. The Boyle's property is to the

west. The entire arena is west of this right of way.

Q. Do you consider this property under appraisement more valuable or less valuable than the properties involved in those sales? A. I think it is of the same value today as those properties in those sales.

Q. You add nothing for continuity nor— A. No.

Q. Nor that this property is devoted to a different use? A. No. This property is 20 feet higher than the other property, on a grade.

Q. Is your valuation based upon the elevation, or is it based upon the surface of the land? A. On the surface.

Q. Take the next piece of property, consisting of 1.264—consisting of 1.264 acres, and give us the basis of your valuation. A. That is the National Docks main stem between Grand Street and Pacific Avenue, running back from the Young coal yard and the old Worthheim coal yard, or Perry coal yard at the present time, contains 1.264 acres. I valued it at $20,000 per acre.

Q. What is your basis? A. I haven't any sales I could give you in there.

Q. That is judgment? A. Judgment based upon sales that I have knowledge of but I haven't the details of here now.

Q. But there were no helpful sales? A. There was no sales right in there that would help you, I don't think. The Partridge sale, I had there, part of the property back of the Young property, and I don't know that there was anything else there that would assist you in making an appraisal of this property.

Q. The Partridge sale? A. Yes.

Q. You used that? A. I didn't. I put a much higher value on this than the Partridge sold for. That sold some years ago for about $5,000 or $6,000 an acre. Jim Young owned that land and sold it to the Partridge Lumber Company and they failed and it went into other hands and I think it sold for $6,000 an acre. I put $20,000 an acre on this.

Q. How long ago was the first Partridge sale? A. I think back prior to 1910. About 1908, I think.

Q. Has there been a sale of property since then? A. I don't think so, unless it is in the entirety with the improvements they placed upon it. It is in a lumber yard. It is in another ownership now, I know.

Q. You don't know the transfer to the new owner? A. I think I have a record of that even, but I couldn't tell you without looking it up in my book.

Q. Your valuation on the next parcel, is that based upon the same reasoning? A. It is kind of a little gore facing both Pacific Avenue and the canal where the canal and Pacific Avenue meet. I placed the same value on it. That is part of the freight yard running down to Grand Street.

Q. Do you know the value of adjacent property? A. I do.

Q. And this is based on the value of adjacent property? A. It is. Taken by itself it wouldn't be worth a nickel. Taken in conjunction with the right of way and yard and all I placed $20,000 an acre on it. It is only a little bit of a triangle.

Mr. Stallman: Just a fly speck on the map.

Q. Take the next tract, Mr. Ryer, consisting of 3.826 acres, and give us the basis of your valuation. A. That is described running from Morris Canal south to Johnston Avenue, directly back of the sale to the Manhattan Electric Supply Company, and directly west of the Edgewater Branch that I appraised at the same time and value, taking them all in as one zone of value and for the same reasons, I placed that at $12,000 per acre or a value of $45,912.

Q. Do you know what the railroad paid for that strip of land? A. I think they bought that—

Mr. Bain: Just a moment. The question is how long ago was it, first.

The Witness: I was just going to tell him when I was a young boy; been there ever since I can remember.

Mr. Bain: Too remote to be evidential under the decision of the Supreme Court in the case of the Erie Railroad Company v. Borough of East Rutherford, decided in June last year.

Q. You didn't consider the purchase of the property by the railroad in arriving at your value of the property? A. No, because I remember one time going swimming in the canal and climbing the bank on that thing. It was so remote I didn't take it into consideration; been there for a good many years.

Q. You considered that, did you? A. No, I didn't consider that because it was too far back.

Q. The next tract, consisting of .087 acres valuation $16,000. Give us the basis of your valuation. A. That is a small triangle between the main line of the Lehigh Valley and Johnston Avenue and I placed a valuation of $16,000 an acre, the same as I did on the rest of the main stem at that point.

Q. Is it based upon the value of adjacent land? A. It is.

Q. Is that so of the next tract, consisting of .766, based upon the value— A. It is. That is part of the same right of way.

Q. —of adjoining lands. A. Just across the Lehigh Valley main line, running down to the Central Railroad main line.

Q. You didn't consider what was paid for it, did you? A. I did not.

Q. Take the next tract, consisting of .619 acres, and give us the basis of your valuation of $12,000 per acre? A. That is the main stem running from Communipaw Avenue along Wilson Avenue, what we would call in a northerly direction, on the west side of the Central Railroad right of way—east side of the railroad right of way, and I placed a valuation of $12,000 per acre on that, or $7,428.

Q. Do you know what the Lehigh paid for it? A. I do not. I know what the Central Railroad paid for the land immediately to the east.

Q. No, but I am asking you about this. You don't know what they paid for it? A. No, I don't know what they paid for it.

Q. Therefore didn't consider it? A. No.

Q. The next tract, consisting of 6.905 acres. Give us the basis of your valuation of $10,000? A. That is—

Mr. Bain: $10,000 an acre?
Mr. Stout: $10,000 an acre.

A. That is the main stem running from the southerly line of Communipaw Avenue south to the center line of Philip Street branch of the Central Railroad, and that was purely a matter of judgment. There are no sales in there outside of the purchases of the Central Railroad for their engine terminal.

Q. Do you know what was paid for it? A. I do not.

Q. By the Lehigh Valley? The next tract, consisting of 1.164 acres, valuation $7,200 per acre, what is the basis— A. Yes, that is a continuation of the last named right of way down to Caven Point Road, and I placed $7,200 an acre on that for the reasons I stated in the other right of way that I placed $7,200 an acre on in the previous part of the testimony.

Q. You used the same sales as you did in respect to the— A. Yes, the Rodgers sale and the Condit sale, and those sales.

Q. Next parcel, consisting of 11.209 acres—is the same thing true in respect to that? A. Now, the next parcel comes into the other zone of ten thousand an acre and—

Q. Can you lump those together as to sources of knowledge and reasoning? A. Yes, I have given you those sales in the previous testimony. It would all be the same because you are going right back over the same way that you came up the other right of way. One is the National Docks and the other is the main line of the Lehigh Valley, and they are parallel.

Q. Same reasoning? A. Same reasoning and same sales, and same knowledge that I had for the

others. You are going south now, going back again on another right of way.

Q. Take the next— A. That is in same as the $10,000 an acre.

Q. Take the next five parcels? A. Four, I think it is, or anyway up to Block 1494, Plot M, would be the same thing, and with 1494, part of M, you come back again to the Caven Point Road and take in the balance of the Y or part of the Y at that point at $7,200 an acre. The next one is the same, I think; part of the Y, at $7,200 an acre.

Mr. Bain: Part of the Y, where?

The Witness: At Caven Point Road. I just said before it is another portion, part of another portion; this is still part of the Y at Caven Point Road.

A. The next piece I have appraised 7.335 acres although it is assessed for 7.903 acres, and that is part of the zone running from the canal south to Chappel Avenue, west of the canal.

Mr. Bain: What lot and block number, Mr. Ryer?

The Witness: That is Lot 3-B, in Block 1492.

Mr. Bain: That is not main stem, is it?

The Witness: That is land outside of main stem.

Mr. Bain: Is it on Chapel Avenue, and south of the—

The Witness: Well, we call it north of Chapel Avenue, or running from south to Chapel Avenue.

Q. You put the same value on the main stem as you do on adjoining land? A. Same thing identically. This is part of the land I appraised for the main stem at the same price. That is west of the canal, just west of the canal. That is part of the Lehigh Valley.

Q. And the next parcel that you value at $7,200 an acre— A. That is the same thing. That is part of the Claremont yard where you go south over the Morris Canal.

Q. And the next— A. That is excess land, isn't it? Yes, that is excess land.

Q. And the next parcel you value in the same manner? A. That is land outside of main stem south of Caven Point. I value that in the same manner.

Q. And all of these parcels that you have valued at $7,200 an acre are based upon the same information, facts and reasoning as the parcel which you valued at $7,200, known as Lot 4, main stem, in Block 1492? A. They are. The next is Block 2145, Lot 45-A, and the valuation there is $16,000 an acre.

Q. Wait a minute. You have got one for $8,600. A. That is part of 72 and part of 10; just the same as you had before for the other part; this is merely some more excess for the same thing. A third of that I have taken at $7,200 an acre and two-thirds at $10,000 an acre.

Q. And the previous parcels which you have appraised at $7,200 an acre and $10,000 an acre, respectively are the basis for your use here? A. They are. The next piece is Block 2145, Lot 45-A, and runs from the National Docks Branch main stem easterly to the center line of Jersey Avenue, if ex-

tended. That is land outside of main stem, excess width, and I have valued that at $16,000 per acre.

Q. Is that based upon the same facts and— A. As you had them in the $16,000 per acre appraisal.

Q. —reasoning. A. The next piece is Block 2145, 41-B, and is the excess outside of the Edgewater Branch, running from the Morris Canal down to the center line of Jersey Avenue, and I valued that at $12,000 per acre, the same as the main stem of the National Docks, and the main stem of the Edgewater Branch.

Q. Or the same as the property running from Montgomery to Grand Street? A. No, Montgomery to Grand Street was $20,000 an acre. That is a different class of property.

Q. No, you valued that at $12,000 an acre. A. Yes, from Montgomery to Grand I valued at the same valuation as this, although it is in a different section —same kind of land.

Q. Use the same sales? A. Yes.

Mr. Bain: Well, wait a minute. The same sales what do you mean by the same sales?

The Witness: Used all sales.

Mr. Stout: Same sales in respect to this parcel running from Grand to Montgomery.

Mr. Bain: Well, I want the witness to understand that.

The Witness: I do. I used the same sales, and others.

Mr. Bain: The same sales now might mean any one or more of a hundred sales.

Mr. Stout: Yes, might mean anything or nothing.

A. (Continuing.) The next is Block 2145, Lot 45-C, and is the land outside of main stem from Jersey Avenue to a point 160 feet west of the west line of Van Vorst Street, if extended, on the Tide Water Basin. I valued that at $21,777 per acre or a total valuation of $546,245. I valued the frontage on the Tide Water Basin at $220 a front foot, or $22,900 per acre, and I valued the part fronting on Jersey Avenue at $15,000 per acre, amounting to 5.323 acres, with a valuation of $79,845.

Q. That is part of the terminal yard? A. That is part of the terminal yard, Tide Water Basin.

Q. Did you put the same valuation on that as you did upon the Tide Water Basin? A. No. That is the same valuation that I put upon the main stem of the Tide Water Basin at that point, yes, but not the same price that I put on the water front in front of it on the Hudson River. It is a different zone.

The next piece is Block 2145, Lot 45-D, land outside of main stem, between the center line of Washington Street, if extended, and a point 160 feet west of the west line of Van Vorst Street, if extended, and that I valued at $400 per front foot, with 1,120 feet front on the Basin, or a valuation of $448,000, 10.100 acres at $44,356.

Q. What is that land most comparable within that locality? A. The only comparability there is would be with itself and the rest of the tract.

Q. Well, then, your valuation is purely judgment, isn't it? A. It is.

The next piece is Block 2145, 38-A and 45-A, the terminal tract on the Hudson River. I valued the 823 feet front on the Hudson River by 1,600 feet in depth at $2,200 a front foot, or $1,814,600. The balance of the land I put in at $47,400 per acre, making a total valuation of $1,821,319 for the 38.380 acres.

Q. Just a minute. A. On the front, Fred, I put $2,000 a front foot for a depth of 1,600 feet.

Q. How does that compare with the Exchange Place yard of the Pennsylvania? A. Why it is an entirely different proposition. One is the Tide Water Basin and the other is water front on the Hudson River. This was water front on two points.

Q. How does it compare as to value? Which is more valuable? A. Why, I think that the water front on the—

Q. Exchange Place, Jersey City? A. Why, Exchange Place is more valuable, in my judgment.

Q. In respect to this terminal tract of the Lehigh Valley you put a valuation of $1,872 per front foot to a depth of 1,717 feet? A. I did.

Q. While at the Harsimus yard you put a valuation of $2,000 per front foot to a depth of 1,650 feet. A. That was for the land under water in Harsimus yard as against upland and land under water in this.

Q. Well, as you have divided the respective properties for the purpose of this appraisal, you place a higher valuation upon the terminal tract of the Lehigh Valley than you do upon the Harsimus yard tract of the Pennsylvania?

Mr. Bain: By what unit?
Mr. Stout: Front foot.

A. I place a higher valuation upon the Harsimus yard than I do on this. I placed $2,000 a front foot on that and I placed $1,872 on this; it would be slightly higher per front foot for different classes of property. One is all land under water and the other is land under water and upland. If you are going to compare the Lehigh Valley terminal with the Harsimus yard, why, you have got a different class of property.

Q. I thought you gave us a front foot valuation of $2,200 upon the terminal tract of the Lehigh Valley. A. I did, and your average here of $1,872, of course, is your average. I gave you $2,200 a front foot on the 823 feet by 1,600 feet of the Lehigh Valley. Now, you take the upland and the land under water of the Lehigh Valley would be more valuable than the land under water of the Harsimus yard, but you take the upland and land under water of the Harsimus and compare it with the upland and land under water of the Lehigh Valley, and the Harsimus, in my judgment, is more valuable.

Q. Can you tell us how much? A. I can't tell you how much, because I can't make a comparison. They are two different propositions. The upland—I can tell you this—

Mr. Bain: If you can't do it you had better not guess at it.

The Witness: I am not guessing at it. I was going to tell you what I put on it adjoining the land under water of the Harsimus yard.

Q. Take the next tract.

Mr. Stallman: Well, what about the next tract?

Q. Give us the basis of your valuation of the next tract?

Mr. Bain: What is the next tract?

The President: As described.

Mr. Bain: In the schedule? You mean in the schedule?

Mr. Stout: Well, haven't we been going by the schedule?

Mr. Bain: I assume so, but you have been skipping a lot.

Mr. Stout: We haven't skipped a thing.

Mr. Bain: Don't let us waste time.

Mr. Stout: You evidently want to waste time.

Mr. Bain: Proceed.

Mr. Margerum: Claremont yard, Caven Point.

A. Block 1500, Block 1494, Block 1492, Claremont yard at Caven Point, containing 42.831 acres, I valued at $7,200 per acre or a total valuation of $308,382.

Q. Now, give us the basis of it? A. The sales that I quoted in Blocks 2016 and 2024 and all other sales that I had that I testified to before.

Q. Can you use the sale to the International Elevating Company to help you in arriving at this value? A. No.

Q. You can't? A. No, this is inland, and the Elevating is water front. This is an entirely different

class of property. This is the yard at Claremont, purely and clearly; no relation to water front.

Q. What was the last parcel, Mr. Ryer, that you were testifying to? A. The last parcel was the Claremont yard of the Lehigh Valley Railroad Company, known as Blocks 1500, Lot 1-B and 3-B, Block 1494, 2-A, B and C, 2-D, E, 4-B and Block 1492, 4-A.

Q. That is known as the Claremont yard at Caven Point, isn't it? A. It is.

Q. How does that compare in value with the property of the Standard Oil adjoining? A. That is comparable with all parts of the Standard Oil, I think, although the Standard Oil has water front and this hasn't.

Q. Are you sure the Standard Oil has water front? A. They have access to the water front, yes, and the use of it; I am sure of that.

Q. But doesn't border at all on the water front? A. Oh, yes, it does.

Q. Does it? A. Yes, bulkhead right on the water, back of the National Storage.

Q. Is it your opinion that the property of the Standard Oil fronts on the water? A. I didn't say so. I said it had the use of the water; it has the use of the National Docks channel.

Q. Then by reason of that fact you consider the Standard Oil to be more valuable? A. I didn't say so. I have appraised the Standard Oil in this case.

Q. Well, could you tell us now whether it was more valuable or not? A. You mean you want an opinion from me on that?

Q. Yes. A. I should consider it more valuable.

Q. Take the next tract, consisting of 3.035 acres, and give us the basis of your valuation of $10,000. A. That is known as Block 2154, Lots 14 and 23, and is the excess land running from Communipaw Avenue south to the National Storage Company.

Q. That is based upon the same sources of information and sales, etc., as used in basing your value upon the main stem in that locality? A. It is.

Q. The next parcel, consisting of 88.365 acres. Give us the basis of your valuation of $13,200. A. That is purely a matter of judgment.

Q. Take the next parcel, consisting of 1.556 acres, and give us the basis of your valuation of $6,000 per acre. A. I gave you the Crane sales, Crane purchases rather, that are directly to the north and abutting this appraisal.

Q. What property did you say you used? A. The Crane purchases.

Q. When was that purchase? A. That was made in August, 1919—August 11, 1919.

Q. What was the rate per acre? A. $6,322 per acre.

Q. Do you consider the property involved in the Crane purchase more valuable or less valuable than this property? A. I consider those lands comparable with the exception that the Crane property had the riper and I haven't included the riper in this.

Q. And is that so in respect to the next tract, consisting of 1.070 acres? A. Yes. That is the part running from the Boulevard to the Morris Canal and

connecting up with the other right of way that we had before when I mentioned these sales of the Park.

Q. And the Crane sale was the most helpful in arriving at this valuation? A. That, yes, in conjunction with other information.

Q. Well, that was the most helpful? A. That was the most helpful, yes.

Q. The next parcel, consisting of 16.414 acres, valuation $10,000 per acre. Give us the basis of your valuation. A. That is a right of way running from the Jersey City-Bayonne line at the Morris Canal south paralleling the Central Railroad down to the Packard—just north of the Packard Ditch.

Mr. Bain: The main stem of the National Docks Branch?

The Witness: The main stem of the National Docks Branch.

Q. What sales did you consider in arriving at the value of this particular tract? A. That is purely a matter of judgment, because there are very few sales, if any, of land similar to this through that section, and the sales of interior lands—I have had many of them that I gathered in 1919 in making my Public Service appraisal through the same territory.

Q. Did you consider the sale to the American Radiator Company? A. I did, and the sale from the State of New Jersey to the American Radiator Company.

Q. Well, the property sold to the American Radiator Company, was the upland portion more valuable than this? A. I should say about the same value.

Q. The property involved in the next tract, consisting of 12.999 acres, the basis of your valuation

is judgment? A. That is a continuation of the National Docks Branch from the Packard Ditch or west of the Packard Ditch down to where the old Orford Copper Company was at Constable Hook, and in addition to the sales that I have mentioned I have two sales at this point. On January 21, 1920, the Lehigh Valley Railroad Company sold to the Standard Oil Company, consideration $6,722.28, .639 acres at $10,520 per acre.

Q. Did you consider that a fair sale? A. I am not through, pardon me.

Q. All right. A. Consisting of a strip 20 feet in width by 1,385 feet in length, west of and along the property appraised between East 22nd Street and Avenue I, if extended, in Bayonne.

In 1920, the Lehigh Valley Railroad Company sold to the Standard Oil Company for $77,921.64, 7.407 acres at $10,520 per acre, being the upland in front of the Packard upland east of the National Docks Branch under appraisal and south of the Packard Ditch.

I took those sales into consideration, in addition to the Packard sale and a sale on October 20, 1920, from the Central Railroad of New Jersey to the Standard Oil Company of .221 acres, consideration $3,000, at $13,574 per acre, being the end of the Constable Hook Branch of the Central Railroad and the part that is in the Bergen Port Chemical Company—runs through the Bergen Port Chemical Company's property.

In Block 146, 147 and 156, Bayonne, on December 23, 1915, Demarest sold to the Tide Water Oil Company for $80,000, 8.56 acres at $9,340 per acre.

The land was situated at the foot of Avenue F and Old Hook Road.

I took these sales into consideration in conjunction with the Nitrate sale in First Street in Bayonne, at Bergen Point and other sales.

Q. And the sales which you have specifically referred to, were those sales in your opinion made at market value? A. Some of them were; in fact, I think they were all made at about market value, in my judgment. I think the price on the Central Railroad to the Standard Oil down, further down to the Hook, was a little low, in my judgment, because I have placed a valuation there of $15,000 an acre and that sold for $13,750, but generally speaking they are pretty close to market value.

Q. The next tract. A. Well, I didn't give the zone of values there. Do you want that?

Q. Yes. A. That was Blocks B and C, main stem of the National Docks Branch, from Packard Ditch to the Orford Chemical Company—

Mr. Bain: Orford Copper Company.

The Witness: Orford Copper Company, rather.

A. (Continuing.) I placed a valuation on 11.789 acres of $10,000 an acre, or a total of $117,890, which runs to the Constable Hook branch of the Central Railroad and from there on to the end of the appraisal at the Orford Copper Company I made 1.21 acres at $15,000 per acre, or a total valuation of $18,150, making a valuation of $136,040 for the 12.999 acres.

Q. What was your reason for placing the $5,000 more per acre upon the small tract? A. I considered that the land when you got down to the Kill

van Kull directly back of the water front was more valuable than the land running back of the land abutting on the New York Bay.

Q. And your difference there is purely a matter of judgment? A. Purely a matter of judgment.

Q. Take the next tract, consisting of 1.106 acres, and give us the basis of your valuation of $15,000. A. That is known as Block C and is a continuation of the right of way down to the Bergenport Chemical Company.

Q. Well, is your reasoning and facts and information the same as in respect to the small tract there of 1.21? A. Identically the same, and I might say that the Central Railroad sale to the Standard Oil Company was directly south of this and abutting this, at $13,972 per acre.

Q. And when was that sale? A. That was here last year, 1920.

Q. And you consider the land involved in that sale more valuable or less valuable than the property which you are appraising? A. I consider the land in this sale the same value, because it is part of the adjoining right of way of the Central Railroad, identically similar land.

Q. Then in your opinion this property has increased in value since the time of that sale? A. No, I don't say so. I don't think that that sale was my idea of market value, quite. I think that sold a little bit cheaper than what I thought it was worth at that time.

Q. The next tract, consisting of 1.230 acres. Give us the basis of your value of $6,000 per acre. A. That is located in Blocks 0, 1, 3 and 5, Bayonne, running from the main line of the Lehigh Valley north

along the waters of Newark Bay to the Jersey City line, and I have valued that at $6,000 per acre. This is the right of way that runs through the Crane property.

Q. Yes. Well, you are going to give us the basis of your valuation, aren't you? A. The Crane sale that I gave you. It runs directly through it. A large part of this is the sale from Crane to the Lehigh Valley, but it runs through the purchases of Crane.

Q. Take the next parcel, consisting of .303 acres, and give us the basis of your valuation of $10,000. A. These parcels are two small parcels, irregular parcels, one about opposite East 29th Street and east of Avenue F, the other west of the National Docks branch where it joins the main line of the Central Railroad and I have placed the same valuation of $10,000 that I did upon the main stems next to them.

Q. Now, Mr. Ryer, in valuing all of this main stem property, you placed the same valuation upon it as you did upon the adjoining lands? A. I did.

Q. So that if you took the adjoining lands on either side of this main stem at any particular point, you would put the same valuation upon the adjoining lands? A. It would all depend entirely on where it extended, and what affected it.

Q. But I mean—I thought you said that your value on the main stem was at the same rate or at the same value as the land on either side. A. It is, adjoining.

Q. Yes, adjoining. A. Yes; immediately adjoining.

Q. Immediately adjoining? A. Yes.

Q. So that if you took the value of adjoining lands at any point of the main stem, it would be the same value as the main stem in your opinion? A. I think so.

Q. And you added nothing to each parcel of the main stem as you have here appraised it by reason of its continuity? A. I did not.

Mr. Bain: By reason of the continuity of what?

Mr. Stout: Of the main stem.

Mr. Bain: The main stem as a whole?

The Witness: Of the main stem as a whole.

Mr. Stout: Yes.

By the President:

Q. Now, I have a question to ask you, Mr. Ryer. You seem to have a general knowledge of properties paralleling main stems. Do you recall the purchase for the tunnel property from the Hackensack River to the Pennsylvania shops, I think it was in 1907 or '08, property that parallels I think the main stem of the Pennsylvania Railroad? Do you recall a sale of that property? A. I do.

Q. And the amount paid? A. I couldn't tell you offhand. My impression is it was something like $2,500 an acre. That was the meadows.

Q. Yes, running from the— A. Manhattan—

Q. —Pennsylvania shops, I think, to the river? A. Yes.

Q. Paralleling the main stem of the Pennsylvania Railroad? A. Yes.

Q. And I think there was a sale of the Hackensack meadows just about that time or subsequent and in all probability you will recall it. It was from the Hackensack Meadow Company to the Tunnel and Terminal Company? A. Pennsylvania Tunnel & Terminal Company, you mean, do you?

Q. Yes. Do you recall that? A. I think you are talking about the extension of the right of way, and I think that was purchased at $2,500 an acre, as I remember it but there were many purchases since then by the Pennsylvania through the meadows there, and I have a record of them all.

Q. Yes. Well, those are sales that have come to my mind as you have been reviewing in masterly fashion the countless sales of real estate and I thought in all probability I would want that for my personal information.

Mr. Stallman: I don't know whether Mr. Ryer told you or not, Mr. President, the Lackawanna Railroad condemned a very long strip running from the Hackensack River to the Sandford Crossing at the Pennsylvania shops last fall.

The Witness: Yes, last fall.

Mr. Stallman: I think that strip was very nearly 2,000 feet long, wasn't it?

The Witness: It was, paralleling the main stem.

Mr. Stallman: Right adjacent, and on the south of the Morris & Essex Railroad.

The Witness: North of the turnpike and south of the Seaboard By-products and south of their right of way.

Mr. Stallman: Yes, right of way between the turnpike and the Lackawanna Railroad, and running from the Hackensack River to Sandford's Crossing.

The Witness: $2,550 per acre.

Mr. Stout: Well, I move that that be stricken from the record—I mean Mr. Stallman's remarks. This Board ought not consider what was paid for a property in condemnation.

The President: Well, I think your purpose was merely to refresh my recollection was all. The cross-examination of the witness will next be on the value of the property of what road, the Central?

Mr. Bain: The next following is the Jersey Central. We handed Mr. Stout today a schedue of water front sales. If there is no objection by him or by the Board, we would like to put those sales on this map, so that it would contain a clear picture of the sales.

Mr. Stout: What is that?

Mr. Bain: To show on this map a schedule of the sales which we gave you yesterday. Is that satisfactory?

Mr. Stout: We haven't agreed upon it yet, so far.

The Witness: Yes; you said it was all right.

An adjournment was here taken to a date to be fixed.

Seventh Day.

Trenton, N. J., Monday, January 24, 1922.

Present: Morning session, Mr. Jess, Dr. Barber. Afternoon session, Mr. Baker, president; Mr. Jess, Mr. Mutchler, Mr. Margerum, Dr. Barber.

Appearances:

As before noted (Mr. Wall being absent at the morning session).

Case resumed pursuant to adjournment.

Mr. Jess: Gentlemen, the Board has been obliged to divide this morning. I want to say also that I understand that counsel realize that we have to dispose of this matter before the fifteenth of February, and that means a good deal of expedition. Possibly there ought to be some understanding or arrangement as to how we are to proceed from this time forward. The railroad corporations are still in the midst of their case. Do you know how much longer will be required, Mr. Bain?

Mr. Bain: We have two more witnesses and possibly one or two others, but very short. Most of the time in examining witnesses so far has been taken up by cross-examination.

Mr. Jess: Yes.

Mr. Bain: We can't very well gauge that.

Mr. Jess: No, only if counsel will bear that in mind. How many witnesses will the City have, Mr. Stout, do you know, or the State, I should put it.

Mr. Stout: Three. I don't think I could let up on the cross-examination. It is my idea of it that we have got to get the facts of knowledge and reasoning and application of the experts.

Mr. Jess: Oh, yes; I don't think we can put any limit upon the cross-examination, particularly as we are expediting the direct testimony by this method of putting in schedules.

Mr. Stout: Yes. I think I am attempting to bring out on cross-examination what would naturally be brought out on direct-examination.

Mr. Jess: Well, we will proceed.

THOMAS A. RYER resumes the stand.

Cross-examination continued by Mr. Stout:

Q. Mr. Ryer, referring to the first tract on your schedule of appraisements of the Central Railroad Company of New Jersey here under review, will you tell us how you arrived at a valuation of $40,400 per acre? A. I placed the same average value on the main stem as I did on the main terminal yard of the Central. This is the main stem running through

New Jersey State Library

the terminal yard from Van Vorst Street to bulkhead line.

Q. You put the same average valuation as you did upon the main yard? A. I did.

Q. Yes. And how did you arrive at the value of the main yard? A. In valuing the main terminal yard I took a frontage of 2,070 feet by a depth of 1,200 feet at $1,200 per front foot, amounting to $2,484,000. The residue—consisting of 57.042 acres —and the residue of 40.039 acres I valued at $36,000 per acre, making a valuation of $1,441,404, and making a total valuation for the 97.063 acres of $3,925,404, or $40,400 per acre.

Q. Is the division of that yard by you arbitrary? A. If by that you mean where my experience and judgment teaches me it ought to go, yes.

Q. Why don't you give it the same value, Mr. Ryer, as the frontage on the pierhead line, namely, $43,560? A. Well, I have taken it as part of the entire terminal; in considering the terminal I have included that as though it were an entirety. This is merely an imaginary line, the main stem is, and I have taken this tract in this terminal as being worth so much money and this is merely a part of it, and in view of the fact that it runs right down through the center of it I applied the rate per acre. That is the reason I valued it in that manner.

Q. In doing that, you would have land on either side of the main stem at some points of higher value than the main stem and at other points at a lesser value than the main stem? A. Yes, if the main stem property wasn't taken as the terminal yard it would have an individual valuation, the front part would be

higher and the rear part lower per acre, but I thought the fair way was to take it as a whole terminal and that as being part of it at the average valuation, because if the main stem had not been there it would have had that value of $40,400 per acre. In other words, if the main stem had stopped at Jersey Avenue and not have come in here, this property would all have averaged $40,400 per acre.

Q. You didn't add anything to the main stem by reason of its continuity, being connected with the next piece, and so on? A. I took it into consideration, of course, that this was connected with the next piece, that they were all connected.

Q. Then, how could you do that and put the average valuation on it? A. Well, because when I take the next piece I take it at a different rate per acre, but in a continuous ownership. The part that we have appraised here is only part of a large tract.

Q. Very true, but you just testified that the main stem valuation was the average valuation of the whole terminal tract of the Central Railroad here under review? A. Of that part of the terminal tract, yes.

Q. Yes, that part of the terminal tract under review? A. I did.

Q. Now, then, if the main stem as it runs through this tract has the same value in your opinion as the land on either side, or rather you have put that value upon it, how can you say that you have added anything by reason of its continuity? A. Because I have taken into consideration the fact that not only the main stem but the main terminal tract is adjoining and connected up with land to the rear running out

to Jersey Avenue and running south to the National Storage Company.

Q. But you don't mean to say that you increased the value of the main stem by reason of its continuity if you placed the same value upon the main stem as the property on either side?

Mr. Bain: May I ask does that term "main stem" mean the whole main stem of the Central Railroad Company throughout the state? I merely want counsel's definition of "main stem."

Mr. Stout: I thought we were talking about the main stem here under consideration, being a part of the main stem running through this yard of the Central Railroad.

Mr. Bain: Now, the question is then whether the witness considered the continuity of this particular part of the main stem and not the whole main stem of the Central Railroad throughout the state.

Mr. Stout: Oh, yes.

A. I did.

Q. You say you considered it? A. I did.

Q. And you added something? A. I added what I added to the land on both to the north and south because that is a continuous strip, and this is merely a part of it.

Q. In other words, your continuity was considered when you were arriving at the valuation of the two parcels that make up the main stem? A. It was.

Q. And there was where you got your average valuation of the land being the value of the main stem itself? A. Yes.

Q. Now, then, Mr. Ryer, in arriving at these valuations of the terminal tract, what sale or sales of substantially similar property was of most help to you? A. I don't know that one sale was any more helpful than another. I used all the sales of water front property that I have knowledge of in making my valuation.

Q. Do you know a sale of comparable property that has been made in the last five years? A. I do not.

Q. So your valuation is based upon your judgment rather than upon any particular sale or sales? A. There being no sales it would have to be based upon my judgment after an examination of such sales as I have and my general knowledge of some years.

Q. Mr. Ryer, when you divide a piece of property into zones, as you have this particular tract, don't you consider that the rear portion is as valuable to the front portion as the front portion is to the rear portion? A. Well, now, it depends entirely upon what you mean by rear and front portions.

Q. Well, you have divided this putting in the higher valuation a strip running 1,200 feet back from the pierhead line—placed one valuation on that and the residue another valuation? A. I have.

Q. Do you think it is possible to determine, dividing it into zones as you have, that the one piece of property is less valuable than the other? A. I do.

Q. Used as a terminal tract do you think that one part of it is as essential as any other part? A. Possibly, it might be; yes, I think that one part of

the terminal tract used for a railroad terminal tract is as essential.

Q. And if the Central Railroad Company was to dispose of this property to some other railroad, in your opinion would it be sold as you find it? A. If you sold it to another railroad I presume it would.

Q. Yes? A. Providing that railroad required the same things that the Central Railroad have at that point.

Q. Yes. So your dividing this property into these two parcels and putting these valuations upon them as you have, is based solely upon your judgment? A. It is, as I have stated before.

Q. As a real estate expert? A. It is.

Q. The next tract on your appraisal? A. Consists of six decimal—

Q. Well, how did you arrive at your valuation of that tract? A. I gave that the same price that I placed upon the land to the rear.

Q. In other words, that is the average valuation of the rear portion of the terminal tract? A. It is.

Q. And is that so in respect to the third tract on your appraisal? A. No. That is a different right of way. That runs from the canal at Bayonne down to the center line of Center Street, Bayonne.

Q. Does that run through lands of the Central Railroad or does it run through lands of others? A. It runs through lands of others adjacent to the city proper.

Q. And did you add anything to that property by reason of continuity? A. I took into consideration the strip running from Morris Street to Center

Street and considered that that also run down to the New York Bay in making my valuations.

Q. Well, is your valuation based upon the valuation of adjacent lands? A. It is.

Q. No more and no less? A. No more and no less.

Q. So you didn't add anything then by reason of continuity?

Mr. Bain: Add anything by reason of continuity of adjacent land?

Mr. Stout: Well, I think Mr. Ryer can answer the question.

Mr. Bain: The question is improper. It assumes a fact to which the witness did not testify.

Mr. Stout: Well, we don't recognize your supreme knowledge.

Mr. Bain: I will refer that to the chairman of the Board. I would like to have a ruling on that. May I ask that the question be repeated?

(Question read.)

Mr. Bain: It is a suggestion to the witness of a fact that he didn't testify to.

Mr. Jess: Well, I think that is—

Mr. Bain: There is no use losing time over it.

Mr. Jess: No, I think that is proper cross-examination.

A. To such extent as the sales of land in that section contain continuity, I took that into consideration; not otherwise.

Q. In your opinion, did the sales of adjacent lands contain continuity? A. Some of them did and some of them did not.

Q. Where the sales contain continuity, you added that? A. I did.

Q. It would be impossible for you to figure that out at present, wouldn't it? A. It would, due to the numberless number of sales that I considered.

Q. Did you in any instance value the main stem property of the Central Railroad where it ran through the lands of others at a higher valuation than in your opinion the value of the adjacent lands? A. I did not.

Q. The next tract, four on your appraisement, how did you arrive at that valuation of $12,000 per acre? A. That is a continuation of the same right of way running from the center line of Center Street to East 32nd Street, and I valued it in the same manner.

Q. And the fifth tract on your list? A. Is a continuation of the same right of way, running from the center line of East 30th Street to the center line of East 32nd Street, and valued in the same manner.

Q. The next tract, six on your list? A. Is a continuation of the same right of way, running from the center line of East 30th Street to the northerly line of East 22nd Street, and valued in the same manner.

Q. And the seventh tract on your appraisal is also valued in the same way? A. It is.

Q. And the eighth tract, is that valued in the same way? A. It is.

Q. And the ninth tract, is that valued in the same way? A. It is.

Q. And the tenth tract, is that valued in the same way? A. It is.

Q. And the eleventh? A. It is.

Q. All of those tracts were valued in the same way? A. They are all rights of way.

Q. And the twelfth tract on your appraisal, is that valued in the same way? A. It is.

Q. Now, in respect to each of these parcels of main stem, twelve of them in number, you placed the same value upon the main stem property as the land on either side? A. I did.

Q. No higher nor no lower? A. No higher nor no lower, in my judgment.

Mr. Jess: That is the same value that you placed upon land on either side?

Mr. Stout: Yes.

The Witness: That I felt that the land was worth from an investigation of the sales?

Mr. Jess: Yes.

Q. Take the fourteenth tract on your appraisal, Lot 48d, in Block 2145, and tell us how you arrive at your valuation of that tract? A. I took a thousand feet front on the pierhead line by a depth of 1,300 feet; that I valued at $650 per front foot, containing 29.82 acres at $25,150 per acre, or a valuation of $650,000. The residue running at Philip Street, containing 41.48 acres, I valued at $12,000 an acre, making a value of $497,760, making a total value for the 71.30 acres of $1,147,760.

Q. Your division of this tract is arbitrarily, depending upon your judgment? A. The same as I said before.

Q. And you can't name any sale which helped you more than any other sale in arriving at the value of this property? A. I cannot.

Q. And your valuations are solely your judgment? A. They are.

Q. The next tract, fifteenth on your list of appraisals, will you tell us how you arrived at the valuation of that tract? A. I took a frontage of 670 feet on the pierhead line by a depth of 1,300 feet at $600 per front foot, containing 20 acres at $21,000 per acre, making a valuation of $402,000, and the residue of 64.724 acres at $12,000 per acre, making a valuation of $775,688—the total area of 84.724 acres valued at $1,177,688.

Q. Your division of this tract and your reasoning as to the valuation is the same as on the other terminal tract? A. It is.

Q. And that is so in respect to the next tract, fifteenth on your appraisal? A. It is.

Q. Your division there is arbitrarily based upon your judgment and your valuation is based solely upon your judgment? A. It is.

Mr. Jess: That is Part 22j?

Mr. Stout: Yes.

Mr. Jess: Will you just mention that, Mr. Stout?

The Witness: Yes; 96.049 acres.

Mr. Stout: Yes; that is part of 22j, in Block 2154.

Q. Mr. Ryer, in arriving at your value of this rear yard of the Central Railroad Company, did you consider it being in one ownership and placing an average value upon the whole tract, or did you consider it as being divided into parcels and placing a valuation upon each parcel? A. I took the parcels as they are assessed and made my valuations accordingly, taking into consideration that it was all one ownership of the entire tract.

Q. But you did not put an average valuation upon the whole tract? A. I did not. If I had done so and the entire tract was appraised, I would arrive at the same figures.

Q. But these parcels are not divided on the assessing map as you have divided them? A. They are.

Q. Well— A. My understanding is that they are.

Q. Well, on the assessing map there is no invisible line drawn twelve or thirteen hundred feet back from the pierhead line, is there? A. Well, I thought you meant insofar as the entire area was concerned. They are so far as the entire area is concerned, but there is nothing on the assessment map which shows my line that I have placed so many feet back of the pierhead line.

Q. That is purely based on your method of arriving at the value of these particular pieces of property? A. I have so stated in each case.

Q. The next tract, sixteenth on your list, land outside of main stem, Block 2145, area 28.718 acres, tell us how you arrived at your valuation of $16,000 per acre? A. I valued that at $16,000 per acre in the same manner as I valued the rear parts of the rest of the yard.

Q. Purely judgment? A. Yes.

Q. You mean by that that you placed the same value upon it as in your opinion the adjacent lands were worth? A. Well, all the adjacent lands are in the ownership of the Pennsylvania Railroad Company.

Q. I see, and still this is the average valuation of the other lands there? A. No, this is a valuation

that I placed on this particular piece of property taking into consideration that it is part of a great whole and what in my judgment would be the market value of it at the time I placed my valuation.

Q. Well, what piece of property of the Central Railroad did you compare this piece with in arriving at your valuation of $16,000? A. Well, simply with all of it. I didn't compare this with any particular piece. I merely took it as a part of a large terminal tract.

Q. Well, it is the lowest value, is it not, that you have given thus far as to that class of land? A. No.

Q. It isn't? A. No.

Q. I meant in this particular list? A. I have given you—as you go south I have given you as low as $12,000 per acre on the rear land south of this, running along the front of Philip Street.

Q. But what I mean by that is that as far as you have gone in your testimony today, this is the lowest valued property? A. No, I tell you—I have just stated before I gave you as low as $12,000 in my testimony today.

Q. In the terminal yard? A. Well, part of this large tract in back of the 22g, for instance, the 84.724 acre tract. I placed a valuation of $12,000 on the rear part of that. That is south of this.

Q. Oh, yes; I see? A. The same with the 96.049 acre tract I placed $12,000 an acre on it—ten thousand an acre on the rear of that.

Q. This reduction in valuation, is that governed almost solely by location? A. It is.

Q. Because you are going farther south? A. It is.

Q. Based upon location? A. It is.

Q. The next tract, seventeenth on your appraisal, land outside of main stem, Block 2145, will you give us your analysis of your valuation of $20,000 an acre? A. I valued that at $20,000 an acre the same as I did in the other case. That is further north from Jersey Avenue east.

Q. The difference in valuation of $4,000 is purely your judgment? A. It is, due to location.

Q. The location, are these adjoining pieces of property? A. They are.

Q. And the north portion you value $4,000 higher per acre than the— A. Than the next portion.

Q. To the south? A. And the next portion $4,000 less per acre than the above property, and so on. I graduate my values as you go south, I graduate them down.

Q. You didn't do that, Mr. Ryer, in respect to the terminal tract, you made no division that way? A. I couldn't make a division that way there because in the terminal tract you don't go south of this zone.

Q. I know that, but doesn't the terminal tract extend north and south? A. Well, only to a certain point. It doesn't go the entire frontage of the holdings of the Central Railroad down to Black Tom as these other parcels do in the rear. I graduate down on my water front the same as I did on the back lands. As you went into Newark Bay I graduated the values down.

Mr. Bain: Newark Bay or New York Bay?

The Witness: New York Bay.

Q. Mr. Ryer, is it a fact that you place the same valuation on the front portion of the terminal tract—

that is, going back your distance of—what is it, 1,200 feet? A. 1,200 feet.

Q. You put on the same valuation on all of that front portion even though it is divided by the main stem? A. I did.

Q. Yes, same valuation? A. I did.

Q. And then when you come to the rear of it, when you come to the rear portion of it, don't you place a valuation of $24,000 per acre on the portion north of the main stem, and $16,000 on the amount or portion south of the main stem? A. No. On that tract I applied the same rate per acre north of the main stem as south, but in the next zone to the west I did as you say.

Q. Well, Mr. Ryer, you testified that you put a valuation of $24,000 an acre upon the tract consisting of 24.613 acres, which is north of the main stem? A. No, I testified that I placed a valuation of $20,000 per acre.

Q. That is what I mean? A. Yes, I did.

Q. And on the tract south of it at $16,000 per acre? A. I did.

Q. And those two tracts are only divided by the main stem? A. That is all.

Q. Well, why didn't you do the same thing on the front part of the holdings there of the Central Railroad? A. Because in my judgment the valuation on the front part runs to the southerly line and on the north part it does not.

Q. That is just purely a matter of judgment? A. Absolutely and positively. That is where my judgment tells me I should cast my line and I have done so.

Q. The next tract, eighteenth on your list, will you tell us how you arrive at your valuation there of $16,000? A. In the same manner. That is land to the west of Jersey Avenue, produced, running up to the National Docks Railway.

Q. Is that also purely a matter of judgment? A. It is.

Q. Your sales there of back land didn't help you very much? A. Oh, yes. The sale of similar lands to that, for instance on Johnston Avenue, similar insofar as being the same character of land, could be used for the same purpose but with the Johnston Avenue frontage making it a little higher value, helped me considerably.

Q. The next parcel, the nineteenth on your list, Lot S, in Block 2148, tell us how you arrived at the valuation of $12,000 per acre? A. That is the engine terminal north of Communipaw Avenue and west of Philip Street and I valued that at $12,000 per acre.

Q. Well, what is the basis? A. The same manner as the rest, upon the judgment that I arrived at after an investigation of all the sales in that section.

Q. Purely a matter of judgment? A. Yes.

Q. Did you have any one sale there that helped you more than another in arriving at the value of this property? A. I don't think so. I had the sales that were made at the time the property was acquired both there and to the south.

Q. And how long ago— A. Of all this property.

Q. How long ago was this property— A. I think that was about 1912, somewhere along there as I remember it. I have it in the office.

Q. You consider this property more valuable on January 1, 1921, than it was in 1912? A. Very little, if any. There has been nothing done there to increase the valuation in that particular section.

Q. Did you add anything to this property by reason of it being connected with the Central Railroad yard? A. I took into consideration the fact that it was located at this point and was a part of this property owned by the Central.

Q. Well, did you add anything? A. I don't, no.

Q. In your estimation? A. No, I didn't add anything to this for this is separated practically from the main water front by a street. It is a part of this large tract, has rail connection, and I took that into consideration in making my valuation.

Q. But you didn't add anything by reason of the fact that this property was devoted to railroad uses? A. Not any more than I did because it could be used for manufacturing purposes. I took everything into consideration that I could think of in making my valuation.

Q. The next tract, twentieth on your list, tell us how you arrived at the valuation of $12,000 per acre? A. That is a small strip running between the main stem at Philip Street, of the Philip Street branch and Philip Street itself. I valued that in the same manner.

Q. Same manner? A. Yes.

Q. The next tract or parcel on your list, twenty-first, designated as Lots 25a and 25d, Block 2145, how did you arrive at your valuation of $13,200 per acre? A. That is the freight station at Jersey Avenue, extended, just south of the canal, and I valued that in the same manner.

Q. Well, you increase the valuation over the other parcels by $1,200. That is your judgment, isn't it? A. Yes. This is at Jersey Avenue, nearer the city, and can be used to better advantage than the other. You have access from the city through Jersey Avenue.

Q. Did you place your valuation on that tract at $44,246 and then divide that by the acreage and get your acreage valuation, or did you put an acreage valuation on it and multiply that by the area to get your value? A. I put an acreage value upon it and multiplied that by the area to arrive at the total value.

Q. You don't always do that, do you? A. Well, it depends entirely upon the class of property that you are appraising.

Q. So you just arbitrarily or based upon your judgment made a distinction of $1,200 between property located on Jersey Avenue where this property is located and the other property located over on Philip Street? A. Yes, from my knowledge that was the value that I thought it was worth in the market.

Q. No particular sale or sales there that you could relate to show that they were more helpful than other sales? A. No, I have thousands of sales through that that I had to take into consideration in arriving at that value.

Q. This is a consideration of a thousand sales? A. Or more.

Q. The next tract on your appraisal, twenty-two, lot at Port Johnston, tell us how you arrived at your valuation of $20,000 per acre? A. In the same manner as the other water front properties.

Q. Any particular sales there, Mr. Ryer, that were more helpful than others? A. I don't think so. I took into consideration the Sulphur sale, and all of the Standard Oil sales there. The only sales that have been made of recent years is the last sale from the Storry Realty Company to the Union Sulphur Company, and then the sales during the war from Delano, and Fenaille and Despeaux to the Standard Oil Company on the Kill van Kull.

Q. When was that sale made? A. Which one?

Q. The last one you are talking about? A. Well, the last one, I talked of several; I said the Fenaille and Despeaux—I said the Standard Oil purchases, Delano, and Fenaille and Despeaux. There were five purchases all together.

Q. Which ones were made during the war? A. While the deeds may not have passed during the war on some of them, they were on all of the Standard Oil—

Q. Which war are you considering, the Irish Rebellion or the Great World War? A. No, I haven't become interested in the Irish Rebellion yet. The sales of—there was one sale of Delano to the Standard Oil in March, 1916; Fenaille and Despeaux was sold to the Standard Oil December 4, 1919.

Q. Do you call that a war sale? A. I do; because during the war I tried to sell it through Fenaille and Despeaux and they wouldn't sell it because the Standard Oil stepped in and tied it up.

Q. You know that the war was over when the Armistice was signed, don't you? A. I know the war was over when the Armistice was signed, but I also know that any arrangement that had been made prior to that they would have to stick to, and I considered that a war sale. They wouldn't sell it during the war to us because they were holding it for the Standard Oil.

Mr. Jess: Doesn't the proclamation of peace definitely fix the time when the war ended?

Mr. Stout: I think so.

A. (Continuing.) The Delano to International Nickel Company was made on June 29, 1916. The Standard Oil to the International Nickel Company was made on August 4, 1916, and the Storry Realty Company to the Union Sulphur Company of the Standard Oil purchases was made on March 4, 1921.

Q. You don't call that a war sale, do you? A. I didn't say so on that. That I did not consider any war sale. I don't think there was any negotiations on during the war for that.

Q. Was the contract in respect to the second purchase of the Standard Oil December 4, 1919, executed in 1918?

Mr. Bain: Which contract are you referring to?

Mr. Stout: I said the second purchase of the Standard Oil.

Mr. Bain: Which one?

Mr. Stout: As he referred to.

Mr. Bain: On the Kills?

Mr. Stout: I think Mr. Ryer knows—

Mr. Bain: Well, if the witness knows what you refer to, all right.

The Witness: I presume you mean the Fenaille and Despeaux sale. That was the second one I mentioned.

Q. Yes? A. The deed was passed on December 4, 1919.

Q. Do you know when the contract was made? A. I don't know. But I do know that the Standard Oil were after that property during the war period.

Q. You consider a contract made after declaration of peace is a contract made during the war? A. Depending entirely upon how the party offering is tied up during a certain period. If the Standard Oil said they would take that property in 1916 and wouldn't take it until 1924, I would still consider that a war sale if the price was fixed at that time for it.

Q. Even though there was no contract? A. Even though there was no contract. Their word with people like Fenaille and Despeaux, another oil company, would of course be binding.

Q. Do you know of another sale of Delano to the Standard Oil? A. Yes, in June 29, 1916.

Q. Well, I mean recent? A. A recent sale?

Q. Yes? A. No.

Q. 1920 or 1921? A. The last sale was in 1918.

Q. You don't know of any others? A. No. That is, I haven't any record here.

Q. You haven't any record before you? A. No.

Mr. Bain: You mean another sale by Delano to the Standard Oil?

Mr. Stout: Yes.

Q. Mr. Ryer, can you indicate to us which of the parcels of the property that you have testified to were more valuable on January 1, 1921, than they were on January 1, 1920? A. I don't think I could offhand run through a list of some three or four hundred properties and tell you which were more valuable without taking time.

Q. You testified the other day that in your opinion the New York Bay Railroad Company property in, I think it is Lot 21, in 1497, is that it?

Mr. Bain: 1507.

Q. 1507 was more valuable on January 1, 1921, than it was on January 1, 1920? A. I did.

Q. Yes. What is the basis of your opinion of the increase there in valuation? A. I think that the sales of property in the New York Bay and the sales of property on the water front up the river would have an effect of increasing a property of that kind to some extent.

Q. You don't think that would be felt generally along the shore front? A. No, not necessarily in every instance; it would be in some cases.

Q. You think that a sale like the Cunard might affect the New York Bay property, but wouldn't affect the value, say, at Exchange Place? A. I don't think that the sale of the Cunard property would affect the Bayonne property taken by itself at all.

Q. Well, now, which sale did you consider did affect the valuation of the New York Bay property? A. All of the sales up the river.

Q. All of the sales? A. Yes. All of the recent sales that were made after January 1, 1920.

Q. And would you say that all of the sales up the river affected the value of the property at Exchange Place? A. It might to some extent, yes.

Q. And wouldn't you say at Hoboken? A. It might, yes.

Q. Don't you think it would be felt all along the shore front from Weehawken to Bayonne? A. Practically, to some extent.

Q. Then in your opinion there was an increase in value by reason of those sales, affecting the whole shore front? A. I have increased my valuations, in a great many cases.

Q. I am asking you a question. Read the question. (Question read.) A. I should say there was a slight increase, yes.

Q. And how do you reconcile that with your earlier testimony that in your opinion there wasn't a general increase in the value of shore front property in Hudson County, January 1, 1921, over January 1, 1920? A. I didn't say so. On the contract I said there was. Before I said there was an increase. I said that these sales in 1920, but I think what you are trying to get at is that I stated that taking it as of 1921, the increase would probably have disappeared due to conditions.

Q. Didn't you just testify, Mr. Ryer, that in your opinion the New York Bay Railroad property was more valuable on January 1, 1921, than it was on January 1, 1920? A. I did.

Q. Yes. And didn't you also testify that all of these sales up the river had an effect of increasing

the valuation along the whole shore front? A. I did.

Q. Then if that be so, wouldn't that make the property more valuable on January 1, 1921, than it was on January 1, 1920? A. I have made it so.

Q. You have made it so? A. Yes. That is provided, of course, in 1920, I made an appraisal of the property. This effect of the increase would come in the early part of 1920. I testified before in the old cases that in October 1, 1919, there had been no increase.

Mr. Jess: On page 576 of the record for January 13, Mr. Ryer testified, if that is what you are looking for.

Mr. Stout: Yes.

Mr. Jess: In answer to the question, "In your opinion was there an increase in value of this property of the New York Bay Railroad Company between January 1, 1920, and January 1, 1921? A. I think so."

Mr. Stout: Yes.

Mr. Jess: "You think so? A. There was a slight increase there."

Mr. Stout: But he testified, my recollection is, and then he had Mr. Bain ask him some questions to see whether he had in mind what he was testifying to, and he said that the land reached its peak of value up to date in 1920, January 1, 1920.

The Witness: Well, if I did, I didn't mean it.

Mr. Stout: Well, that is what I want to get at. We want to have it right.

Q. On page 482 you were asked this question: "And in your opinion property generally along the

shore front was higher on January 1, 1921, than it had been in any preceding year? A. I think so. What date did you say? January 1— Q. January 1, 1921? A. Oh, no; no; I think it was higher probably in January, 1920. That is what I thought you said. Q. You think it was higher in January— A. I think it might have been a little higher in 1920. Mr. Jess. What was his answer to the first question? The Witness: Oh, I was a little confused in his question. That is why I asked him— Mr. Bain: May I ask that the question before the last be repeated? (Question read as follows: 'Well, in your opinion, was shore front property generally higher on January 1, 1921, than it was on January 1, 1920?') A. My answer should have been, no. I understood him to say higher in 1920 than in 1921; it was the reverse. Q. So you think that property reached its peak of value in 1920? A. You mean up to the present time? Q. Yes? A. I think so"? A. I might say that I had in mind the early part of 1920, when these sales were made up the river when you said January 1 I meant a little later in 1920 than January 1. The early part of 1920, in other words, was the high peak, in my judgment.

Q. You now say that January, 1921, in your opinion was the high peak? A. Was higher than January, 1920, yes.

Q. Yes. Well, that is what I wanted you to say in the first place, what I think you ought to say? A. Well, I didn't get it clearly.

Q. Mr. Ryer, have you in arriving at your valuations considered the property as railroad property devoted to railroad use, or have you considered in arriving at your valuations the property being devoted to some other use? A. I have in making my

appraisal considered the property for any use to which it could be put.

Q. Well, do you— A. I haven't limited it to railroad use.

Q. Well, do you consider these properties do have a higher value for railroad use than for some other use?

Mr. Bain: Are you speaking of value to the country, the whole population, or value to the owner of the railroad?

Mr. Stout: Well, I thought we were talking about the market value of the property.

Mr. Bain: I think there is a real distinction. Economically, so far as the welfare of the country is concerned, these railroad lands may have great value. When you talk of value to the owner of the property from a profit-making standpoint that is something different. I think we are entitled to know what value counsel has in mind.

Mr. Stout: Read the question.

(Question read.)

Mr. Bain: Value to whom and for what?

Mr. Stout: In the market.

Mr. Jess: You mean a higher market value?

Mr. Stout: Yes.

Mr. Bain: For railroad use?

Mr. Jess: Yes.

Mr. Bain: For any other use?

Mr. Jess: Yes.

Mr. Stout: Yes.

Mr. Jess: That is the question.

A. I don't think they have any higher value for railroad use than they might for some other use.

Q. Well, were your valuations predicated upon a railroad use as you found the property, or upon some other use? A. On any use, railroad use, industrial use, or any use that I could put it to.

Q. Then you didn't value it as railroad property devoted to railroad use? A. I did not.

Mr. Stout: That is all.

RE-DIRECT EXAMINATION by Mr. Bain:

Q. Mr. Ryer, in valuing the railroad main stem property, did you consider the sales of the adjacent property? A. I did.

Q. And did you value the railroad main stem property at the same or at values indicated by the sales of adjacent property? A. I did.

Q. Referring now to the terminal property of the Central Railroad Company, you said in answer to a question of Mr. Stout and I think it appears by your schedules that in the extreme rear part of the yard you valued the land north of the main stem at a slightly higher rate per acre than the land south of the main stem. Why did you do that? A. Because I thought that the land north of the main stem was worth more money due to the access through Johnston Avenue than that south.

Q. Did sales of property in that vicinity indicate any difference in value between the land north of the

main stem and the land south of the main stem? A. They did.

Q. The question was asked whether you valued these properties for railroad use. In making your valuations did you consider the availability of the property generally for railroad use? A. I did, and also for any other use.

Q. You say you did? A. Yes.

Q. That is, you considered not only the vailability of the property for railroad use, but its availability for other uses? A. I did.

Q. In valuing the water front terminal lands, you put a higher rate or a higher value upon the front portion than you do upon the rear portion. Why do you make that distinction? A. I didn't do that in every instance.

Q. Well, in those instances in which you did it? A. Because I found that or in my judgment from an analysis of sales in the neighborhood I felt that the rear land was not as valuable as the water front with the bulkhead rights. Where I did find that the rear land was more valuable, I placed a higher value upon the back land. It would all depend entirely upon location.

Q. Well, you tell us, Mr. Ryer, that with the exception of peculiar localities, such as Exchange Place, in Jersey City, and Ferry Street, in Hoboken, the sales of back land show much lower values than the sale of water front? A. They do.

Q. And why, in your opinion, is that not so at the foot of Exchange Place, in Jersey City, and at the foot of Ferry Street, in Hoboken? A. Then you have a purely local condition of value, due to traffic conditions.

Q. And at those points the back land is worth more than the water front, isn't it? A. It is.

Q. As shown by those sales? A. It is.

Q. And how do you arrive, or why do you fix any dividing line at all upon these terminal parcels? That is, why do you separate the water front from the back land portion at a particular distance? A. Because in my judgment you have a class of land running back a certain distance that can be used as water front property. When you get back of that, you have got land that you could use for other uses, industrial use, warehouse use, and things of that kind, and in my judgment the line that I have fixed is the line that would separate the water front value from the rear value.

Q. With the exception of railroad terminals, Mr. Ryer, the water front lands in single ownership do not extend any great distance back of the pierhead line? A. They do not.

Q. And property sold, water front property sold for ordinary industrial purposes does not extend for any great distance back of the water front, does it? A. It does not.

Q. What do you call—

Mr. Stout: These are pretty leading questions.

Mr. Bain: Well, I want to bring out the facts. I can frame them differently.

Q. Do the sales of water front property indicate any particular depth back of the pierhead line that is required for ordinary purposes, that is, purposes other than railroad purposes? A. They show different depths but very, very seldom show any great depth.

Q. And when you refer to great depth, what do you mean by great depth? A. Well, I consider a thousand or two thousand feet a great depth in any water front sale of improved land. They usually show anywhere from two to four hundred feet.

Q. I assume that there are some exceptions to that rule, aren't there? A. There are.

Q. And along this particular strip of water front there are some exceptions of which you know? A. There are.

Q. And can you state what they are? A. Why, there was a greater depth on the Luckenbach purchase and on the Edgecliff purchases. Outside of that I don't know of a piece of water front where there was any great depth of land back of it.

Q. And is not the depth of water front land along the Hudson River, speaking of depth from the pierhead line, restricted by streets? A. In the cities it is.

Q. That is, other than behind the railroad yards? A. Yes.

Q. You mentioned two exceptions where there was quite a depth of back land sold in connection with the water front. Are there any others of which you know? I am speaking now of sales to others than railroad companies? A. I do not. Not on the Hudson River.

Q. Mr. Ryer, do you know how the price for water front property is usually fixed? Is it fixed by the front foot or by the acre? A. It is usually fixed by the front foot.

Q. I think you said that—

Mr. Jess: Well, Mr. Bain, may I ask a question here?

Mr. Bain: Certainly.

By Mr. Jess:

Q. Is there any element or factor, Mr. Ryer, which determines as a general rule whether the value is fixed on a front foot basis or on an acreage basis? A. Not that I know of. It is merely a matter of where the price is usually fixed on the front foot basis, but there is no rule for that.

Q. Does the depth of the land have anything to do with it? A. I don't think so. That is, other than to fix the price of how much it is per front foot. It would depend entirely upon the width, the depth, the depth from the pierhead line, the depth between the pierhead line and the bulkhead line and the land back of it.

Q. Something, I suppose, depends upon the size of the tract? A. Oh, that governs the price.

Q. No, but how do they determine the price? Take a small tract, what we might call a small tract of water land, of water front property, isn't the value per front foot there the result of a computation rather than a basic value? A. I don't think so. I think that the value per front foot is the basic value, because a man if he has got a piece of water front property, that is, an improved piece of water front property, he figures out in his mind how much he wants a front foot for it, or how much he thinks he can get a front foot for it.

Q. Now, this question, Mr. Ryer: Suppose you assume two pieces of water front property immediately adjacent each to the other, one has 500 feet front and 500 feet depth, and the other has 500 feet front and

1,000 feet depth; what in that case would determine whether it should have a front foot value or some other kind of a value? A. I don't think there is any question but what the owner would ask a front foot value in the one case where he has got 500 feet front by 500 feet depth, and the man who had the 500 feet front by the thousand feet depth would ask a higher rate per front foot for his deeper land.

Q. But he would ordinarily determine its value by determining its front foot value? A. So much per front foot, depending upon the depth of the lot he has got behind that front foot as to how much he would ask per front foot. Water front owners are not people who are not up to date on valuation.

Q. They usually know? A. They usually go way up in price in starting out and ask a good deal higher price per front foot than they will actually take a great many times. They don't take it from the standpoint of your asking them a price and their fixing it right off the reel. They take time to consider it and get information on it and then they go beyond that information as far as they think they can go in getting a value, depending on whether they want to sell, or how bad their wants are.

Mr. Jess: That is all.

By Mr. Bain:

Q. Mr. Ryer, suppose the owner of one of these large railroad terminals was to offer for sale five acres at the extreme rear of the yard, and also five acres along the pierhead; for which part would the higher price be obtained, in your judgment? A. Well, do you mean by that the bulkhead—500 feet

along the bulkhead, then extend to the pierhead line?

Q. Certainly. I am speaking of the five acres on the bulkhead line as being water front? A. And the land back of it?

Q. Well, you say back of it, to be useful I say five acres. I simply take that to indicate some—

A. Well, it would all depend entirely upon the location of the land in the rear. If you had land in the rear that some of it fronted on Exchange Place, it might be a greater value. If you had land there along the Erie yard or the D., L. & W., it would be at a lower value.

Q. Mr. Ryer, referring now to ordinary city property, is the price ordinarily fixed for such property according to frontage or according to the square foot, or the acre? A. Ordinary city property is usually fixed at so much per lot.

Q. Well, that lot is of a certain width? A. It is; 25 by 100 feet is the usual city lot.

Q. Yes. Is that price per lot usually determined according to the width or according to the area? A. According to the width and depth.

Q. Well, what is the basic unit? Is it the front foot basis? A. The front foot on the width usually.

Q. That is, the width on the street? A. Yes. That is the frontage.

Q. That is for an ordinary lot 25 by 100 feet? A. It is.

Q. And if a greater width than that was to be purchased, would the price be fixed according to the—

A. Frontage.

Q. Frontage? A. It would.

Q. I think you suggested that the price paid by the Lehigh Valley Harbor Terminal Railway

Company to the New York Bay Railroad Company for the upland in the rear of the new Lehigh Valley terminal in Greenville was excessive. Why did you consider that price excessive, the purchase of the upland? A. The land that was purchased by the Lehigh Valley Railroad Company is east of the canal or rather southeast of the canal I should say, and similar lands to that in my judgment could be bought for less money per acre than was paid by the Lehigh Valley Railroad Company.

Q. Well, did land, did adjacent land actually sell for less at any time? A. Well, similar, land similar insofar as being near the water front and with rail connection, sold for less.

Q. Recently? A. Within the past year.

Q. Mr. Ryer, speaking of the water front lands, are most of the parcels on the water front of various widths, various depths and various areas? A. They are.

Q. And are the differences material? A. They are.

Q. What can you say as to whether or not there are particular values along the water front because of location? A. Well—

Q. Are there particular values at various places because of location? A. There are.

Q. In other words, locality values? A. There are, in my judgment.

Q. Well, you say in your judgment. What is the fact? What facts are there to indicate such is the case? A. Why, you take land at those points and it can be usually used, water front property can be used at certain points for a higher utility than other points due to the transportation facilities and the access.

Q. In other words, the city development at those particular points— A. Lends value to it.

Q. In your opinion, can any one sale of water front property be used as a measure, an absolute measure for valuing all the other water front property? A. I don't think so.

Q. Isn't it a fact that the prices paid for water front property vary greatly? A. They do.

Q. Whether considered by the front foot or by the acre? A. They do.

Q. Are you familiar with the sales of the so-called Manor property to the Ocean Steamship property at Hoboken? A. I am.

Q. They were made in 1916, were they not? A. They were.

Q. What was the width of those properties on the bulkhead line? A. The Manor property had a width of 336 feet on the bulkhead line, and the Ocean—

Q. Before you go to the width of the Ocean Steamship property, what was the depth of the Manor property from the pierhead line? A. The depth of the Manor property from the pierhead line to the bulkhead line was about 300 feet; and the depth from the pierhead line to the existing shore line was about 400 feet deep.

Q. Now, what was the width and the depth, what were the width and the depth of the Ocean Steamship property? A. And I might say back of that there was solid land, an irregular piece of solid land 169 feet in width on the westerly end and about 336 feet in width on the shore, back of the shore line; that is on the Manor property.

Q. What was the width and what was the depth of the Ocean Steamship property? A. The Ocean Steamship property had a width of 540 feet on the pierhead line, and the bulkhead line was on the north 355 feet from the pierhead line, and on the south 309 feet from the pierhead line, and from the pierhead line to the—

Q. You mean from the bulkhead line. A. The bulkhead line rather, from the bulkhead line to the existing—from the Government bulkhead to the existing bulkhead there was a depth of about 700 feet.

Q. Well, what was the extreme depth of the Ocean Steamship property from the pierhead line as actually sold? A. 1,300 feet.

Q. And give the width of the Ocean— A. 540 feet.

Q. What is the depth of water at the pierhead line, if you know, in front of those two properties? A. The same, 30 feet; they have 30 feet access.

Q. Thirty feet of depth? A. They have.

Q. Thirty feet of water? A. Yes.

Q. At the pierhead line in front of both properties? A. Yes.

Q. That 30 feet that you refer to, Mr. Ryer, is in the slip, is it not? A. A part of it, yes.

Q. What did you say the depth was at the pierhead line in front of the properties? A. Why, I should say about 30 feet along there, I haven't my chart with me. Maybe I can tell from this.

Q. Does the Ocean Steamship property at the rear abut on a public street? A. It does, on Hudson Street.

Q. Is that one of the principal streets in Hoboken? A. It is.

Q. North and South Street? A. It is.

Q. Was there also rail connection to those two properties, that is, the Manor property and the Ocean Steamship property? A. There was railroad connection into both properties.

Q. Both of those properties are on the Hudson River in Hoboken, are they not? A. They are; just north of Castle Point.

Q. The Manor property, the smaller property, was sold in 1916, wasn't it? A. March 22, 1916.

Q. At what rate per acre? A. $59,045 an acre.

Q. And when was the Ocean Steamship property sold, and at what rate per acre? A. December 29, 1915, at $54,227 an acre.

Q. Can both of those properties be used for steamship purposes? A. You mean together, or separately?

Q. Taken together? A. Yes, I should say so.

Q. Both properties, by the way, were purchased by the same concern, were they not? A. They were.

Q. That is, the Delaware, Lackawanna & Western Railroad Company? A. They were.

Q. And what is the combined width of the two properties— A. About—

Q. On the pierhead line. A. Over 800 feet.

Q. So that, taking those two properties together, the purchaser got a width of over 800 feet on the pierhead line, with a depth from the pierhead line of — A. About 800 feet, to the existing bulkhead line.

Q. Not to the existing bulkhead line. A. Yes, to the existing bulkhead line.

Q. You mean the existing bulkhead, not the bulkhead line. A. No, I said the existing bulkhead, the existing bulkhead, yes.

Q. Not the existing bulkhead line? A. Yes, the existing bulkhead.

Q. But the purchaser got a width of about 800 feet on the pierhead line by an average depth of how much? A. I should say about, over a thousand feet.

Q. And a total area of how many acres? A. A little less than 24 acres.

Q. And considering those two sales together, the price paid was something less than $60,000, the average rate per acre? A. The average rate per acre I should say was about $56,000, between fifty-five and fifty-six thousand per acre.

Q. Now, referring to the Cunard purchase, in Weehawken, how far north of the Ocean Steamship property is the property purchased by the Cunard Company? A. I should say about a mile.

Q. And what was the frontage of the property purchased by the Cunard property on the bulkhead line, or the pierhead line, give me the pierhead line if you have got it. A. 1,050 feet on the pierhead line.

Q. And what was the depth of that property from the pierhead line? A. I think that is about 1,400 feet.

Q. So that the Cunard property was about 200 feet wider than the combined width of the Ocean Steamship property and the Manor property? A. It was.

Q. And was a trifle deeper? A. It was.

Q. From the pierhead line. Is the Cunard property suitable for use for steamship purposes? A. I think so.

Q. What is the depth of water at the pierhead line in front of the Cunard property? A. Why, there is a greater depth at that point than there is at the Ocean Steamship—40 odd feet.

Q. When was the Cunard property sold? A. On August 26, 1920.

Q. And at what rate per acre? A. There were 35½ acres at $63,538 per acre.

Q. There were 35 and a fraction acres? A. 35.141 acres.

Q. And what did you say was the area of the Manor property and the Ocean Steamship property combined? A. A little over—24 acres, about.

Q. It is a fact, Mr. Ryer, that those purchases, or those sales rather, represent the largest sales of water front along the Hudson River in Hudson County in the last five years, and nearest to the property we are considering now? A. Well, they are not the largest, the sales of largest territory or largest area, but they are of improved property but not of entire property, water front property.

Q. Well, speaking of water front property, aren't they or don't those two represent what might be determined the major sales? A. Of improved water front property, yes.

Q. In considering sales of water front property, what weight would you give to those three sales I have mentioned, that is, the sale of the Manor property, the sale of the Ocean Steamship property, and the sale of the Cunard property? A. Well, I would

have to analyze the circumstances under which all the sales were made, but I consider that those sales were —after the analysis were fairly good comparison for the improved properties on the Hudson River.

Q. That is, while you can't use any one sale as a yardstick, yet here you have three sales, separated by a period of several years, of improved water front property, that can be used for the same purpose, have you not? A. You have. And in addition to that you have got another sale directly next to the Ocean Steamship Company, the American Warehouse & Trading sale, which was made on June 30, 1917.

Q. What sale was that, Mr. Ryer? A. The 190 feet directly north of the Ocean Steamship Company was sold on June 30, 1917, to the United States Government, containing 1.253 acres at $54,592 per acre, consideration being $315,000. That would give a frontage of almost a thousand feet to those three parcels which are together in Hoboken.

Q. To whom did you say the American Warehouse & Trading Company property was sold, to the United States Government? A. To the Federal Government.

Q. That was a purchase, wasn't it, not an arbitration? A. It was a purchase by contract, but the price was fixed by arbitration.

Q. Well, it wasn't a condemnation? A. It was not.

Mr. Stout: You consider that to be below its market value, don't you?

The Witness: A trifle. I testified in that case and the price was pretty close to my figures.

Q. In that case was the price fixed somewhat less than the value to which you testified? A. It was.

Q. What was the area again, of the American Warehouse & Trading Company property? A. 1.253 acres.

Mr. Stallman: Wasn't that the price per front foot, Mr. Ryer?

The Witness: I meant 5.773 acres.

Mr. Stallman: And the other figure you mentioned of 1.253 was the price per front foot?

The Witness: That was the price per front foot, yes. I got it wrong, 5.773 acres, and the price was $54,592 per acre.

Q. Mr. Ryer, have there been any other sales of water front properties on the Hudson River in either Jersey City or Hoboken with as great area as the combined area of the Manor property and the Ocean Steamship property? A. There have not.

Q. That is, speaking now of what period, how many years past? A. Well, a great many years past.

Q. Has there been any sale of water front property in either Jersey City or Hoboken of an area equal to that purchased by the Cunard Company? A. A single sale?

Q. A single sale. I am speaking now of property on the Hudson River. A. There has been no single sale of property as large as the Cunard property at Jersey City or Hoboken on the Hudson River.

Q. That is, within recent years? A. Well, in many years.

Mr. Bain: That is all.

By Mr. Stallman:

Q. I have a question I want to ask you, Mr. Ryer. You gave us the other day some sales of lands in the rear of the Delaware, Lackawanna & Western yards at Jersey City. Did you give us the sale made by W. A. Brown, trustee, for the Matthews Estate, to the Hudson Realty Company? A. I did not.

Q. Do you recall that sale now? A. I may have it in the office but I haven't—I didn't have it in my schedule.

Q. Do you recall the sale of Andrew Stock and wife to the Hudson Realty Company in Block 261? A. I didn't include that in my testimony.

By Mr. Bain:

Q. Mr. Ryer, have you prepared a schedule of sales of water front property on New York Bay and on the Hudson River? A. I have.

Q. You have also prepared a schedule of sales of back lands? A. I have.

Q. Have you got that schedule? A. I have (producing papers).

Mr. Bain: I might say to the Board that I have submitted a copy of this schedule to Mr. Stout—

Mr. Stout: Of the shore front?

Mr. Bain: Of the shore front.

Mr. Stout: Yes.

Mr. Bain: There have been some sales of back land added to that schedule and I now submitted the schedule produced by the witness to Mr. Stout and if he has no objection, I would like to offer it in evidence, my object being to agree upon these sales so far as we can so as to avoid dispute about it.

Mr. Stout: I assume that the list of sales of shore front property includes all sales of shore front property.

Mr. Bain: All sales—so far as this witness knows.

Mr. Stout: Yes; to his knowledge. But the sales of back land are not all the sales that he has knowledge of.

Mr. Bain: You may ask the witness.

Mr. Stout: They are not all, are they?

The Witness: No, nowhere near. I have got—there are thousands of sales.

Mr. Bain: Well, have you put on your schedule the sales of back lands that you considered in making your appraisal?

The Witness: I have.

Mr. Bain: I think that that is proper. Mr. Stout is entitled to put in any additional sales that he wants.

Mr. Stout: Well, we want to check those sales up anyhow, first.

The Witness: Certainly, check them up.

Mr. Jess: Yes, I think, Mr. Stout, he would be entitled to put that in. He might have been asked directly on his examination what sales

he considered, and he certainly can give what sales he considered.

Mr. Bain: Well, for the present I won't offer the schedule of sales of back land, but I will offer the schedule of sales of water front.

Mr. Stout: I thought that was submitted by you.

Mr. Bain: We have added more. We have put on the New York Bay and the Kill van Kull. I will be glad to give a copy to Mr. Stout and offer it subject to correction.

Mr. Stout: Well, we had better look over the list before it is actually received in evidence.

Mr. Jess: Well, I think that either side will have the right to put in any sales that their witnesses use as sales which they have considered in fixing the value. I can't see any objection to that.

Mr. Bain: Well, what we would like to do, Mr. Jess, is to get a schedule agreed to by both sides showing all of the sales, so as to avoid any dispute in the testimony and save time.

Mr. Jess: Oh. All right.

Mr. Bain: Now, I will be glad to submit a copy of this schedule to Mr. Stout and he can offer any corrections he may have and we may be able to agree upon the corrections.

Mr. Jess: All right. Is that all with Mr. Ryer?

Mr. Stout: Well, I will have a few questions.

By Mr. Bain:

Q. Mr. Ryer, I asked you before to produce your schedule of sales of water front property on the Hudson River, New York Bay and the Kill van Kull. Will you produce that schedule now? Have you got it? A. I just gave it to you. Here it is. Mr. Dunham has got it.

Q. Well, those are the two sheets that I handed to Mr. Stout. I would like to have a complete copy. The two sheets I handed to Mr. Stout are only on New York Bay and the Kill van Kull. A. The other ones you handed back to me are these.

Q. Well, have you got a set complete of the three of them? A. Yes.

Q. Will you let me have them? A. (Hands papers to counsel.)

Q. Do these three sheets, one entitled Hudson River water front sales, one entitled New York Bay water front sales, and one entitled Kill van Kull water front sales show all of the sales of water front property on the Hudson River, New York Bay and Kill van Kull of which you have any knowledge? A. Of the past ten years, I should say, yes.

Q. During the past ten years? A. Yes. There are others that are just prior to that probably.

Q. And so far as you have been able to ascertain do the schedules correctly show the sales? A. They do.

Mr. Bain: I will offer three schedules subject to any correction by Mr. Stout, and ask that they be marked as one exhibit.

Mr. Stout: I object to them as not being evidential.

Mr. Bain: What part of them are not evidential, and why?

Mr. Stout: Why, in the first place, that isn't the manner in which you would prove a sale by having it on a schedule and introducing it in evidence. The witness can testify as to knowledge and how he acquired it. It isn't evidential to put that on a piece of paper and put it in evidence.

Mr. Bain: My recollection is that the witness has testified that he is familiar with these sales. He has investigated them and studied them. That is already in the record.

Mr. Stout: It is already in the record.

Mr. Jess: What was that, Mr. Stout? Put it in, you say?

Mr. Stout: No. I say it is already in the record. I thought we were going to go on the plan that we look these over before we consented to their going in.

Mr. Bain: Well, you will have an opportunity. That is subject to your correction.

Mr. Jess: I understood him to say subject to your inspection and correction. In other words, he is offering them now but they won't be admitted until you have a chance to look them over.

Mr. Bain: If there is any correction, if they have a proper one, of course, we will agree to it. Our purpose as I stated before is to have an accurate list of the sales so there won't be any haggling or quibbling about it in the testimony.

Mr. Stout: I think to eliminate this discussion we will consent to it and we will put in the list of sales which we rely upon.

Mr. Bain: Now, that is one of the things that I objected to. Here is the schedule and Mr. Stout has an opportunity to examine it, and if any part of it is not right, let him suggest it; let his witnesses suggest it upon the record.

Mr. Jess: Well, Mr. Bain, as I expressed the thought before, if you are offering these from your witness, sales which he has considered in forming his opinion of the value of this land and he says that they are all the sales I think they are clearly admissible. If you are offering them as evidence of all the sales to prove the sales, then I should suppose that they wouldn't be admitted over the objection of the city.

Mr. Bain: Well, unless the city can state some ground of objection—

Mr. Jess: We will admit, if they insist upon their objection, that you can't prove sales by presenting a schedule here.

Mr. Bain: Well, why not, Mr. Jess? What are we to do, bring in the record?

Mr. Jess: I don't think so. I think it has been generally held, at least by this Board, that we have always accepted evidence of that sort unless it has been questioned or attacked.

Mr. Bain: If each one of these sales is to be stated by witnesses and testified to, we will never get through with this review. The time consumed will be great. I want to avoid that if I can. Now, of course, Mr. Stout will

have an opportunity to look over these schedules and if he objects before actually offering them, I will be glad to give him an opportunity. What I wanted to do was to get something now so that we would have at least some foundation. Now, if Mr. Stout wants to take the schedules—it is almost adjournment time, let him take them and let him look them over, take as much time as he likes.

Mr. Jess: They are offered now subject to Mr. Stout's objection.

Mr. Stout: Well, I don't believe we are going to get very far on that, Mr. Jess.

Mr. Jess: Well, I am assuming, Mr. Stout, that you have sales and they have sales and you will compare them and see whether that list is correct or not.

Mr. Stout: Well, suppose that our witnesses find, or the men who are going to look over these schedules, that they are wrong on their areas. If they are wrong on their areas then they are wrong upon their acreage valuation. It seems to me if we are going to agree, we ought to agree before we offer these schedules in evidence.

Mr. Bain: Well, I think Mr. Stout is borrowing trouble. He doesn't know yet whether any of them are incorrectly stated. Let him find and point out those that are incorrectly stated.

Mr. Jess: If that is the only objection, Mr. Bain, I think you had better withdraw the offer and hold it until after Mr. Stout has examined them.

Mr. Bain: All right, I will do that.

Mr. Jess: Yes; renew the offer later.

Mr. Bain: I don't suppose we can agree upon the schedule of back lands and I think I shall have to offer that.

By Mr. Bain:

Q. Mr. Ryer, have you also a schedule of back lands, schedule of the sales of back land which you considered in making your valuations? A. I have.

Q. Will you produce that schedule? A. (Papers produced by witness.)

Mr. Bain: I offer in evidence the schedules produced by the witness—the schedule consisting of four sheets, I won't stop to state the titles.

Q. How many sales all together are shown? A. Sixty-one.

Mr. Stout: Have you testified to each one of those sales?

The Witness: I have not. I have testified to some of them, and some of them I haven't.

Mr. Stout: Well, I object to the schedule of those sales going in evidence on the ground that it would be of no help to the Board unless it can be shown that the properties involved in those sales are comparable properties, or substantially similar, that I haven't had the opportunity to examine the witness as to all of the sales, and that it is incompetent proof.

Mr. Stallman: Well, I think under those circumstances he can cross-examine the witness on the schedule to the same extent as if

Mr. Ryer had read all of the data into the record, the sales that he had taken into consideration in arriving at his valuation. It is merely a short method; instead of having Mr. Ryer sit here for an hour reading all this data off he can be cross-examined.

Mr. Jess: They are admitted subject to the right of Mr. Stout to cross-examine the witness as to any of the items appearing on that schedule.

Mr. Stallman: That is satisfactory to us.

Mr. Stout: You consider it competent proof?

Mr. Jess: I consider it not competent proof of sales but evidence that the witness said he considered in fixing his values. I think he would have gone over that whole list—is that the situation, Mr. Ryer?

The Witness: Yes, I will testify to each one of those if you wish, if you want to take the time.

Mr. Jess: Well, did you consider them in giving your valuation?

The Witness: I have, absolutely, considered every one of them.

Mr. Jess: All right.

Mr. Stout: Well, my objection is on the record for what it is worth.

Mr. Jess: Your objection is noted.

Schedule above referred to, consisting of five sheets, received in evidence and marked P15.

Sheets headed: Sheet 1, "Sales of lands back of water front, Bayonne, N. J. Back of Kill van Kull. Back of Newark Bay."

Sheet 2, "Sales of lands back of water front, Jersey City, N. J. Back of New York Bay. Back of Hudson River." Sheet 3, "Sales of lands back of water front, Jersey City, N. J. Back of Hudson River." Sheet 4, "Sales of lands back of water front, Jersey City, N. J. Back of Hudson River."

RE-CROSS EXAMINATION by Mr. Stout:

Q. Mr. Ryer, when you divide the various tracts into parcels, putting your imaginary line, you did that for the purpose of determining the value based upon the use to which it might be put? A. To any use that it might be put.

Q. Well, you wouldn't take and divide a piece of property, going say 1,500 to 2,000 feet back of the pierhead line, for every use, would you? A. Why, I would in valuing it, yes. No matter what you would put it to in valuing it, if you went back two or three thousand feet behind the pierhead line, I would have to separate it in that manner to arrive at the value of it, no matter what use you should put it to.

Q. The value did not depend upon the use of the property as you divided it? A. No; not altogether.

Q. As to a lot of these properties that have been sold, you say that they show irregular depths or different depths? A. They do.

Q. Nature has controlled a lot of that, has it not? A. Yes. And man has controlled the rest.

Q. Well, for example, you take the Cunard purchase, the limitation of depth there, nature controlled it. A. No, that is the hand of man.

Q. And then where is a sale where the physical conditions control the depth? A. The Manor Real

Estate to the D. L. & W. Railroad Company. The actual shore line is there today.

Q. Do you know how much land was originally acquired by the D. L. & W. for its terminal yard? A. I know what they originally got there, and how they added to their yards. I have records for that.

Q. Yes. Do you know how much has been added to the back of that yard since its original purchase? A. Oh, yes, there has been considerable added to it. I couldn't tell you unless I hunted for a week to get that data.

Q. And don't you think that by adding that land it made the front land more valuable?

Mr. Bain: For railroad uses?

Mr. Stout. Oh, yes. For railroad uses, yes.

A. I don't think that it made the land at the pierhead line any more valuable.

Q. You don't? A. No.

Q. For a railroad use? A. For any use.

Q. For any use? A. Because I have given it the highest use to which you could put the water front and the highest use to which you could put the rear land.

Q. Didn't you testify the other day that in your opinion the back land added value to the front land, rather than the front land to the back land? A. I don't think I ever made any such statement, because sometimes it adds and sometimes it detracts, all depending entirely upon the character of the land you are considering.

Q. Well, if you did make such a statement—did you intend to make it?

Mr. Stallman: Well, I object to that. That isn't a question to ask a man.

Mr. Stout: Well, I will have to go to the record.

Mr. Stallman: Well, you can't ask a man if he did say something that he says he didn't say.

Mr. Jess: Well, we will have to take a recess now, until two-fifteen.

A recess was here taken until 2:15 P. M.

———

After recess.

THOMAS A. RYER resumes the stand.

Re-cross examination continued by Mr. Stout:

Q. You testified in respect to the ferry land of the Pennsylvania Railroad at Exchange Place? A. I did.

Q. That the back land added value to the ferry land, rather than the ferry land to the back land, didn't you? A. I did; because the back land there is very expensive.

Q. Well, don't you think that the fact that the ferry was there gave the intense value to the back land? A. To some extent, but not altogether, because you also have got the value on the Exchange Place, you have got the tunnel entrance there, you have got the Commercial Trust Company, and the First National Bank; those are the things that give value to the property.

Q. Well, in your opinion, the fact that the ferry was first there and now the tunnel and the railroads

diverged to that point, isn't that the basis for the intense value of the Commercial Trust Company property and the First National Bank property, etc? A. Why—

Q. Because by reason of the ferry and now the tubes and the railroads, that the people were brought there? A. Why, it is greater.

Q. Yes. A. Pure and simple.

Q. Well— A. But I mean that the ferry alone doesn't make the value at that point because if the ferry went away, you would still have great value there because of the fact that you have got a tube station.

Q. I mean doesn't the shore front lands there, the manner in which they are used, increase the value of the back land, rather than the back lands the shore front property at that point? A. I think that they both join in increasing the value, they both go to make up value.

Q. Yes, but which— A. Your back land as well as your land in front, water front land in front of it. the water front land and the back land.

Q. Well, which, in your opinion, is the controlling factor, both of them? A. Well, I don't think there is any one controlling factor. It is a combination of circumstances. You have got a railroad terminal, you have got a station of the Hudson and Manhattan Railroad Company, you have got a ferry and you have got large banking and office buildings. Those combined make a high point of value at that point. Take those things all away and I don't know what the land would be worth. Take one of them away it might change the value of the land, but how much we would have to decide upon taking it away.

Q. Mr. Ryer, you testified that sales of shore front property were made on a front foot basis. A. I did.

Q. You have never made a sale of shore front property? A. Yes, I participated in the sale of the American Warehouse and Trading Company to the Government.

Q. Well, a sale by private contract. A. That was by private contract.

Q. Which property is that, at Hoboken? A. The American Warehouse and Trading Company, the 190 foot strip north of the Ocean Steamship that the Government purchased June 30, 1917.

Q. Was that made on a front foot? A. It was. I made the valuation for it on a front foot basis.

Q. Isn't it your knowledge and information that generally a piece of shore front property has a value placed upon it for selling purposes and the front foot value is determined by the price rather than the front foot value determining the price of the whole tract? A. On the contrary, it has been my information and knowledge that the front foot governs the price.

Q. Irrespective of depth? A. Well, I didn't say so. Of course, the depth—

Q. Well, I mean— A. The price per front foot would be in accordance with the amount, whatever you got, but in fixing the valuation, in almost every case the water front property has been fixed upon the front foot value or a front foot rate per foot.

Q. But I mean that you use the front foot valuation irrespective of what the depth of the property may be. A. Oh, yes, you would use the front part of that property; it might be that after using your

front foot value you may have land back of it that you would throw into acreage value, or lot value.

Q. Have you any knowledge or information that property has been sold on front foot valuation, dividing it into parcels as you have divided this tract? A. I don't know where a price has been made for so much for the land on the pierhead line and so much a front foot running back a certain distance and then for so much for the back land, no. The price was fixed so much per front foot for the land in its entirety, usually, and then any additions to that might be at so much per acre for the land that was purchased later on to give more back land to the property, but the lot, so much per lot, if you added a lot to it.

Q. I think you testified on re-direct examination that your valuations were based upon values indicated by the sales of adjacent property. A. I don't think I said that.

Q. Well, is that so? A. It is an analysis of all the sales of water front property applied by me with my judgment. There is no sale that I can apply directly as there being a sale made of a piece of land of such and such dimensions and the property appraised having the same dimensions is worth the same amount of money, I haven't been able to do that.

Q. Well, haven't you testified, Mr. Ryer, that your valuations were largely based upon your judgment rather than the values indicated by sales of adjacent property? A. No, I stated that my judgment was arrived at on an analysis of the sales.

Q. Yes, but not indicated by those sales? A. Well,

indicated in so far as it indicated to me what the value was of other property, that is all.

Q. Well, doesn't it, in the last analysis, come down to your judgment? A. I have so stated right straight through, that in the final analysis I have had to depend upon my judgment to arrive at a value.

Q. In your opinion, are the various tracts of property on the Hudson shore front so dissimilar that you could not use the selling price of one as a standard in determining the value of another? A. They are.

Mr. Stout: That is all.

RE-DIRECT EXAMINATION by Mr. Bain:

Q. Mr. Ryer, I want to call your attention to the property of the Long Dock Company known as Lot B-6, in Block 16; you stated your appraisal of that property, one portion of which you valued at $449,336, another portion at $163,350, and another portion at $448,829. I notice that the total of those three sums is somewhat less than your appraisal of the whole tract of $1,167,666. What, if anything, accounts for the difference between those figures you stated and your total appraisal? A. There was an item of $106,151 that you have not mentioned for the slip, which made the total valuation of $1,167,666.

Mr. Bain: That is all.

Mr. Stout: Unless the Board has some questions to ask Mr. Ryer, I am through.

Mr. Bain: There is one thing I want to say to the Board. Mr. Wall isn't here and he may have a few questions to ask Mr. Ryer. I take

it that Mr. Ryer can be recalled again for any re-direct examination which Mr. Wall has.

CHARLES W. MORRISON sworn for the appellants.

Direct-examination by Mr. Stallman:

Q. What is your business, Mr. Morrison? A. Valuation engineer and land appraiser, general real estate business.

Q. Are you a college man? A. Yes, graduated in 1908 from the Massachusetts Institute of Technology, civil engineering.

Q. And since you were graduated, what have you been engaged in? A. The first work that I did was employed as assistant engineer for the Charles River Basin Commission. They were building water front improvements, locks, dam and other structures along the river, in Boston, Massachusetts.

Q. Proceed. A. From 1909 to 1912, I was assistant engineer for the Associated Factory Mutual Fire Insurance Companies, valuation work, the design of special steel structures. From 1912 to 1922, specialized in real estate valuation, buying, selling, construction work; as representative part of the time for the Zora Realty Company, a large New York concern operating in real estate, building and selling and buying. In 1917 I was appointed by the Interstate Commerce Commission as a land appraiser to value water front railroad terminals. During the course of this work I valued many water front terminals, both in New York Harbor and in other ports.

Q. For what railroad companies, or on what railroad companies? A. In Boston, New York, New

Haven and Hartford, their steamship pier properties in South Boston, their terminal station connected therewith, the Boston Terminal Company, that is the South Station terminal site, comprising 15 or 20 acres, having a value of about $14,000,000; Boston and Albany Railroad, passenger and transatlantic Steamship Terminals in East Boston, consisting of piers, grain elevator property and yards; Boston and Providence Railroad, its terminal site in the Back Bay, in Boston, which was abandoned and lay ready for sale with improvements suitable for that vicinity. It was appraised in a condition where it was being sold. In Portland, Maine, the Maine Central Railroad terminal, passenger station and water front and yards. Boston and Maine Railroad, in Portland, passenger and water front property and yards. Grand Trunk Railroad, grain elevator and merchandise piers and yard. At Newport News, Chesapeake and Ohio Railroad terminal tract, containing 250 acres, nine large piers, about a mile of frontage on the James River and Hampton Roads. Norfolk, Virginia, Atlantic Coast Line Railroad, terminal tract and water frontage, five piers, and yard, passenger station and pier, in Norfolk. Norfolk and Western Railroad, Lambert's Point, water front terminal, one mile of water front. In New York Harbor, 1920, Lehigh Valley Railroad, appraised all the lands now under appeal. In 1920, Central Railroad of New Jersey, appraised all lands now under appeal; 1921, beginning January, Pennsylvania Railroad, all the lands under appeal with one exception, and in addition Waldo Avenue yards, Summit Avenue station and rights of way to Hackensack River.

Q. All these appraisals you made while employed by the Interstate Commerce Commission? A. Yes.

Q. For the federal revaluation, I understand? A. Yes, under the Act of Congress.

Q. What other appraisals have you made? A. In New York City, Baltimore and Ohio Railroad, water front on Staten Island which has now been taken in condemnation proceedings by the Dock Department of the City for their new piers on Staten Island. Similar property adjoining on Staten Island for the same purposes; 1921 is the date of that valuation. I have had several conferences with Mr. Lewis H. Pounds, Commissioner of the newly constituted Port Authority, on water front values in this port; and these valuations now under consideration.

Q. In making these valuations for the Interstate Commerce Commission and others with whom you have been engaged, what values were you endeavoring to fix? A. In all cases the fair market value.

Q. And what do you understand by fair market value? A. The fair market value of these properties is the value that they would have if sold between a willing seller and willing buyer, where there was no force element, no serious need, and so forth, which sometimes determines an unfair value.

Q. And what, in general, were the methods you pursued in making your appraisals? A. I had to first make an inspection of all the property and to study conditions in the port, to become familiar with the questions of value and to get specific data such as would help my judgment, and this data would be gathered in various sources, court house records, deeds, reading of these transactions. Of course,

where it was railroad companies I would have access to all their accounts and their books, which would give me relevant data. I would read sworn testimony in cases where there had been property under appeal to get the local idea from both sides, and I would depend a good bit on written confirmation of these deeds and considerations by the grantors and the grantees or attorneys in the matters. I would not neglect any source, such as interviewing men who were well qualified to give me light on these matters in the community, men of standing, and who were interested in real estate matters.

Q. During the past few months, have you had your attention called to various sales on the Hudson River and New York Bay water front during the past five or six years? A. Yes; I began a compilation of such data when I first had occasion to value water front in the port, and I have added to it at times since.

Q. Was your attention called to the sale of the American Coal Company to the International Elevator Company, in Jersey City? A. Yes. I investigated the sale.

Q. Do you know about the sales up at Edgewater, from the Lord Construction Company to the New York State Realty Company, and the Edgecliff Realty Corporation to the New York State Realty Company? A. Yes; I have knowledge of those sales.

Q. And the sale by the Delaware and Hudson Company to the Cunard Steamship Terminal corporation? A. That also.

Q. Do you know about the purchases by the Hudson Realty Company of the Manor Real Es-

tate tract and the Ocean Steamship tract, in Hoboken? A. I do.

Q. Do you know about the acquisition by the government of the parcels of land of the Hamburg-American Steamship Company, and the North German Lloyd terminals in Hoboken? A. Yes.

Q. Do you know about the sale from Shamberg to the Luckenback Terminal Company, and the acquisition of the riparian right by the Luckenback people? A. Yes; I have a record of that.

Q. Did you know of the sale of Twombly to the Lord Construction Company and the Woodcliff Land and Improvement Company to the Edgecliff Realty Company? A. Yes.

Q. Jones to the Lord Construction Company, up near Edgewater? A. Yes, I know of those.

Q. And in making valuations of these railroad companies' terminal lands, did you take the facts of those various sales into consideration? A. Yes; I gave them due weight.

Q. And have you taken into consideration in valuing the lands down along the New York Bay below Constable Hook sales made in that vicinity in recent years? A. That is on Kill van Kull?

Q. Between Kill van Kull and the Central Railroad property? A. Yes. Yes; I have a record of those.

Q. Have you studied the sales to the Lehigh Valley Terminal Railway Company and the Pennsylvania Railroad Greenville yard? A. I have.

Q. And any other sales down in that neighborhood? A. I have other sales.

Q. And with your experience as an appraiser for the Interstate Commerce Commission and other appraisal work and the study of these sales, have you made an appraisal of each of the parcels of the railroad companies which are under appeal in these cases? A. Yes; they have all contributed to assist my judgment.

Q. And did you apply your judgment in making an appraisal of all of these parcels of the railroad companies? A. I used my best judgment.

Mr. Stallman: We would like to offer Mr. Morrison as a witness in this case.

CROSS-EXAMINATION by Mr. Stout:

Q. Mr. Morrison, you say that you made an appraisal of all of these parcels under appeal in 1920? A. Not all of them.

Q. Which ones? A. I made an appraisal of the Central Railroad Company, the Lehigh Valley Railroad Company and the Pennsylvania Railroad Company.

Q. Did you inspect all the property here under appeal? I mean you made an appraisal of all of the properties here under appeal of those railroads? A. With one exception, I think, which was the shops at Hoboken of the Pennsylvania.

Q. And did you make another appraisal of those properties for the purpose of testifying here? A. Yes, these proceedings—for this proceeding.

Q. When did you start to make your appraisal of the other railroad properties here under appeal? A. My special investigation began in the summer or spring of 1919.

Q. Of the other properties? A. I should say 1920, the spring and summer of 1920, was the beginning.

Q. In other words, the property of the New York Central and the West Shore, and the Delaware, Lackawanna & Western, and Long Dock, when did you start to make your study of those properties? A. I didn't make an inspection of the Lackawanna, the Erie or the New York Central at that time.

Q. When did you start on that study? A. I was familiar with the property, but made no inspection for the purpose of valuation until last summer, sometime in the summer.

Q. Did you investigate all the sales of back land of the various pieces of property? A. I did not investigate all the sales. I am not aware of all the sales. But I have most of the sales of vacant land and a good many of others—sufficient to satisfy my judgment in the matter.

Q. And you relied upon the judgment of others as to whether the sales of back land were made at market value? A. No. I made a diligent search and found all the sales I could, and investigated in the manner that I have stated, trying to find out for myself from grantors and grantees the conditions surrounding each sale, and, of course, depended upon their statements—their personal statements—largely in determining whether I thought the sale was market value.

Q. Do you consider that you have a special or peculiar knowledge of the value of lands not used for railroad purposes? A. I have no special insight.

Q. In other words, you don't think that you are qualified to testify as to the market value of back lands; I don't mean of the tracts here under appeal, but I mean back lands generally?

Mr. Bain: Well, how far back—four miles?

Mr. Stout: Well, adjacent to the back lands of the tracts here under appeal.

A. From the data that I have as a result of my investigation I feel that I am well qualified to appraise the property which I have been asked by the railroads to appraise.

Q. I am asking whether you hold yourself out as an expert as to the value of lands adjacent to the lands here under consideration which are not used for railroad purposes.

Mr. Stallman: But otherwise comparable, as to location?

Mr. Stout: No; I haven't put that in the question.

Mr. Wall: Doesn't Mr. Stout's question go to the weight of the testimony more than it does to the qualification of the witness?

Mr. Stout: Haven't I got a right to ascertain—

Mr. Wall: As to the weight of it?

Mr. Stout: No, as to the source of his knowledge?

Mr. Wall: I presume you have, but that wouldn't affect his qualification as to what he is offered for.

Mr. Stout: Well, it is the source of his knowledge, showing that he was familiar with and knew the value of back lands. I think that would be pertinent on his qualification.

Mr. Wall: A man wouldn't have to know the sale of every piece of back land in order to testify as to front lands. It might affect the weight of his testimony if he didn't know some important sale.

Q. Well, you used the sales of back lands in arriving at your valuations of the properties here under appeal, did you not? A. I did.

Mr. Stout: Well, I would like to have a ruling of the Board on whether that is a proper question or not.

The President: Repeat it.

(Question read as follows):

"Q. I am asking whether you hold yourself out as an expert as to the value of lands adjacent to the lands here under consideration which are not used for railroad purposes?"

Mr. Bain: I object to that question on the ground that it isn't directed towards ascertaining the source of the witness's information, and an improper question.

Mr. Stout: He said that he considered the values of those properties in arriving at the value of the tract under appeal.

Mr. Bain: The witness is produced as an expert. I think it is improper to ask such a witness whether he holds himself out as such.

The President: The Board is inclined to sustain the objection.

Q. Did you value these particular properties as lands owned by the railroads devoted to railroad uses or for other purposes? A. I valued these lands for any use to which they might be put reasonably.

Q. How long, Mr. Morrison, have you been familiar with these properties under consideration? A. I have been familiar with them a number of years.

Q. When did you first start to make a physical examination of these properties? A. I started in the spring or summer of 1920 to make a specific examination of the properties of the Central Railroad Company, the Lehigh Valley Railroad Company and the Pennsylvania Railroad Company. I started some time last summer to familiarize myself with the particular properties of the Erie, the Lehigh—the Lackawanna and the New York Central.

Q. Did you, in arriving at the value of each particular piece of property, obtain the future history of the property as to selling price, etc.?

Mr. Stallman: I object to that.

Mr. Wall: Future history?

Mr. Stout: I mean the past history.

A. I am familiar with such history as would affect my judgment.

Q. Are you familiar with the original purchases of these pieces of property?

Mr. Wall: I object to that. What are the original purchases? From the Indians?

Mr. Stallman: It is obvious that Mr. Morrison is not a man over fifty years of age.

The President: His miscellaneous activities since he left college—I am impressed with that.

Mr. Stout: Well, I am not asking whether he was living at that time.

The President: I am inclined to allow that.

A. I had such data in connection with the Central Railroad, the Lehigh and Pennsylvania.

Q. But not as to the others? A. No.

Q. How long did you take, Mr. Morrison, in making a physical examination of these properties? A. I am not able to state that, for the reason that the time expended in inspection was divided by intervals at various times, but the sum total would be a considerable length of time.

Mr. Stout: Well, I don't think I will press this cross-examination any farther. I will let his qualifications depend upon the testimony as developed in the examination of the particular pieces of property.

DIRECT-EXAMINATION continued by Mr. Stallman:

Q. Mr. Morrison, for the purposes of this case, did you make these valuations as of January 1, 1921? A. I did.

Q. And have you made a compilation of your appraisals of each particular piece of property of each railroad company? A. I have.

Q. And do these schedules, which are headed New York Central Railroad Company, Delaware, Lackawanna & Western Railroad Company, Erie Railroad Company, Pennsylvania Railroad Company, Lehigh Valley Railroad Company, and Central Railroad Com-

pany of New Jersey, set forth accurately and in detail the description of each parcel, its area, and your method of valuation, and the total valuation of each of the parcels of each of these railroad companies? A. Yes.

Q. In the same manner to which you would testify to these valuations verbally if you were requested to do so? A. They do.

Mr. Stallman: I offer Mr. Morrison's schedules then, in place of verbal testimony as to each of these parcels, and ask that these be marked. We have additional copies for the use of the individual members of the Board, if they desire them.

Schedules above referred to received in evidence and marked as follows: New York Central Railroad, P16; D., L. & W. Railroad, P17; Erie Railroad, P18; Pennsylvania Railroad, P19; Lehigh Valley Railroad, P20; Central Railroad, P21.

CROSS-EXAMINATION by Mr. Stout:

Q. Take the first tract of the New York Central Railroad Company and tell us what sales of comparable property you used, if any, in arriving at your valuation of $865,050? A. I don't know the name of a sale of exactly comparable property to this, and I wasn't helped by any sales of exactly comparable water front.

Q. Then, is your valuation purely a matter of judgment? A. It is purely a matter of judgment, based upon the relevant data that I had at hand.

Mr. Stallman: What is the acreage?
Mr. Stout: The acreage is 20.795.

Q. Mr. Morrison, what is your reason for dividing this particular tract into two parcels for the purpose of your appraisement?

Mr. Wall: Isn't that the way they are divided by the Board?
Mr. Stout: No.

A. I have not made a real physical division. There is no actual physical division in the property, but I have taken an area at a unit value of $45,000 per acre because in my judgment that comprises the special value which this property has by reason of its being on the pierhead line of the Hudson River.

Q. In other words, you considered this property to a depth of 1,200 feet from the pierhead line as having one value, and the remainder of the tract having a lower value? A. There are elements of value contributing to the whole, and in arriving at my total I have done it in that way by expressing those elements of value in dollars and cents, and representing that division by the line.

Q. If the line was drawn a thousand feet back of the pierhead line instead of 1,200, would you put a different value upon the land comprehended 1,000 feet back of the pierhead line? A. The unit would be slightly more if I did it that way; my total would be the same.

Q. And then if you went 1,400 feet back, why then your valuation would be slightly less? A. Slightly less.

Q. Well, then, if you followed that back to the rear line on this tract, you would get the same average

valuation as if you divided it as you have divided it? A. That is right.

Q. So what is the purpose in making the division? A. Merely to help my judgment.

Q. Well, just how does it help it? A. My relevant data is expressed in such a way that it helps me to divide it as I have done.

Q. What is your relevant data? A. What do you mean— A. My relevant data is all the data pertaining to water front sales and other water front transfers.

Q. That is the only answer that you can give us why you went back 1,200 feet for the front portion of this tract? A. That is the only answer.

Q. You could have gotten the same valuation without cutting it up? A. I could have gotten the same value without cutting it up.

Q. Did you confer with Mr. Ryer in respect to dividing up this property? A. I did not.

Q. This is your own judgment, not influenced by any other real estate expert? A. It is my usual method, not influenced.

Q. When you came to value the rear portion of this tract, did you consider the value of the adjacent back lands? A. Yes.

Q. And you are of the opinion that you are familiar with the value of adjacent back lands? A. I am familiar with the adjacent back lands.

Q. What sales, if any, of adjacent back lands did you use in arriving at your valuation of $30,000 per acre? A. I found very few sales of back land that would in any way assist me.

Q. Well, give me the ones that you did use. A. I don't think I used any one particular sale of back land in this case.

Q. Well, what sales did you use then? A. I have a record of a number of sales of the back land here, and I have inspected the property and find it wholly dissimilar and did not pursue my investigation to the extent in getting all the sales of high up above the level of the river, on the Palisades and on that high land. I have one sale, not far removed, where a sale was made—

Q. Will you give the sale, the title of it? A. Yes. This sale was made in December 31, 1919, between the United Chemical and Organic Products Company to William A. Hersch. The consideration was $27,500. It is located on the River Road, and had a frontage of 256 feet. It was vacant land. It had a total area of 1.175 acres. This is at the rate of $23,400 per acre. It was at the rear of the American Cotton Oil Company, and was purchased in connection with their holdings, I believe.

Q. You consider the property involved in that sale substantially similar to the back lands of this tract? A. I cannot say that it is substantially similar, but it is—

Q. You don't use, do you, sales of property which are not substantially similar? A. No; I do not let those sales control my judgment.

Q. Then, if the property involved in this sale wasn't substantially similar to the back land of the West Shore tract, then you didn't consider it, did you? A. I didn't allow it to control my judgment but merely to influence it.

Q. In other words, you don't let the sale of a dissimilar piece of property influence you in making an appraisal of this tract of the West Shore?

Mr. Wall: Is that exactly fair? The property may be dissimilar but dissimilar properties may have some similar factors. Now, the witness can consider those similarities for what they are worth and not be guided by the conditions.

Mr. Stout: I don't think the witness needs any help. I have asked him whether he would do that or not.

Mr. Wall: I know, but it doesn't seem quite a fair question.

Mr. Stout: I think the witness is able to take care of himself.

The President: Proceed, Mr. Stout.

Q. Answer the question please. A. Please read the question.

Q. (Question read.) A. If it weren't so dissimilar that I threw it out altogether as contributory evidence.

Q. The sale, the land involved in this sale has no railroad connections, has it? A. I believe it has.

Q. You believe it has. Well, do you know? A. Yes; I know it has.

Q. What railroad it is connected with? A. It is connected with the tracks of the New York Central.

Q. Is that so? Have you made an examination of the property involved in that sale? A. Yes.

Q. You have? And can you indicate the property on this map? A. (Witness indicates on map.) This is the property as it lies in here, in this block.

Mr. Bain: Indicating a piece of property on the map between South Street on the south and North Street on the north and Water Street on the west, and the East Boulevard on the west.

Q. You wouldn't consider that water front property, would you? A. I consider it used by one who owns water front property.

Q. What water front property it is connected with? A. This property here (indicating), the location of the American Cotton Oil.

Q. This property to the east— A. To the east.

Q. (Continuing.) —is owned by the same people? A. By the same people.

Q. You say that you consider this property involved in this sale as water front property? A. I have given it consideration as having a possibility of being used in conjunction with other property which is water front; by itself it would not be.

Q. Do you know how far that property is from the river? How high is this property from the river?

Mr. Bain: You mean elevation?

Mr. Stout: Level, yes.

A. The property itself not being level has no one distance above the water.

Q. Can you give us any idea of its average elevation? A. I haven't considered it from that angle and couldn't give you the distance in feet.

Q. Well, didn't you take that into consideration when you were comparing it with the property of the West Shore?

Mr. Stallman: We object to that, because the witness said on this particular sale he did not consider it controlling in this particular case. We are spending a lot of time on something that the witness has rejected.

Q. Oh, did you say that you rejected this sale? A. I gave it due consideration.

Q. Well, what do you mean by— A. I didn't reject it entirely, but allowed it consideration among other factors. Of course, I have put a much higher value on the property under consideration than it was sold for.

Q. You considered all the factors and elements involved, did you not? A. Yes.

Q. And did you consider its elevation? A. I had that in mind.

Q. You did have that in mind. And can't you give us any idea of its average elevation?

Mr. Bain: You mean above sea level?
Mr. Stout: Yes.

A. I wouldn't want to state that distance in feet, because it would be a mere guess.

Q. Mr. Morrison, what sale did you have of property more helpful than this one in arriving at the value of the back lands of the West Shore tract? A. I don't think I had any sales which could be called more helpful.

Q. Do you know the sale, or are you familiar with the sale of property adjoining this, fronting on the River Road? A. Oh, the Woodcliff to the Edgecliff?

Q. You don't know the sale of this property adjoining, or adjacent? A. The Twombly tract?

Mr. Wall: Which tract are you referring to?

Mr. Stout: Well, here it is on the map.

Mr. Wall: Well, give us the name.

Mr. Stout: It abuts this tract on North Street.

Mr. Wall: What is the name of the sale? Don't you know the name of the sale?

Mr. Dunham: We know the sale. We want to see whether he knows of that sale.

Mr. Wall: Well, give him the name of the sale and ask him if he knows of the sale. That is hardly fair. I submit if he wants to describe it by metes and bounds, that is one thing. If he wants to describe it by name, let him do that.

Mr. Jess: He may not have a special memory for names. I know I haven't.

Mr. Wall: His attention ought to be fairly directed to it, however it is done.

Mr. Jess: I think so, yes.

Mr. Stout: Am I going to have a chance to speak. I asked this question:

"Q. Do you know, or are you familiar with the sale of property adjacent to this, fronting on North Street to the north and fronting on the River Road?"

Mr. Bain: May I ask that counsel designate for the purposes of the record what he means by "this"?

Mr. Stout: Read the question.

(Question read.)

Mr. Stout: I mean the property involved in the sale which he has been testifying about. Everybody else knows what it is.

The President: Well, the former question identified some property, didn't it?

Mr. Stout: The property involved in the sale. He has only testified in respect to the sale. Now, I am asking him whether he has knowledge or information in respect to property adjoining this property, that is, the property involved in the sale which he has testified to, which adjoins the property on the River Road and abuts the property involved in the sale, fronting on North Street.

Mr. Wall: Well, what is the sense, may it please the Board, of holding up their sleeve some sale that they know about? Now, they know of some sale. They have further data which would help him, if it were given to him, to recollect whether he had ever heard of it or not.

Mr. Stout: I want to know whether he has or not.

Mr. Stallman: Who sold it? Who to?

Mr. Wall: When was it sold?

The President: One moment, please.

Mr. Stout: I think that that is a proper question to test the witness's knowledge as to sales in that locality.

The President: I agree with you.

Mr. Bain: Now, I think that the question is objectionable on the ground that it assumes a fact not in evidence. The question is whether this witness knows of the sale of a

particular piece of property. There isn't the slightest evidence that that particular property was ever sold. The witness might be asked whether he knows that the property had been sold, that is a different question, but he can't be asked whether he knows of the sale of the property, because there is no evidence that there ever was such a sale.

Mr. Stout: I will let you have it your own way, if you want it.

The President: Reframe the question.

Q. Whether you know or have any information concerning a sale of property adjoining? A. Other than the water front sales that I have mentioned?

Q. Yes? A. I haven't mentioned the right one yet. Now, at the spot that you indicate there is a factory of brick, of considerable area, and if that has sold, or if it has been involved in a sale, I may have known about that, but I have tried to get the basic land value and it is perfectly possible that there may have been a sale there. I don't know; I haven't it among my data here.

Q. Well, can you relate any other sale than the one that you have testified to which was of any help to you in arriving at the back lands of the West Shore tract here under consideration? A. I considered a sale on Clinton Street. The area of this plot was 4,674 feet, and it sold at the rate of $18,700 per acre.

Q. Where is this Clinton Street property? A. That is near the right of way of the New York Central Railroad as it crosses—near the township line of Weehawken.

Q. Did you say Clifton or Clinton? A. I said Clinton. I think I am right. I think I marked it correctly.

Mr. Bain: Well, is there any difference of opinion as to the name of the street? Let's have it right.

Q. Will you please indicate on this map where the property is located?

Mr. Dunham: It isn't on this.

Mr. Stout: Well, I mean the location, about the location.

Mr. Bain: Tell us the municipality that it is in.

The Witness: It is near the southerly line of the Town of Weehawken. It is right down here, somewhere (indicating on map).

The President: That is the center of Hoboken.

The Witness (continuing): I find no other sales of similar property, where they are similar. .

Q. How far from the tract under consideration is the land involved in that sale? A. It is a long distance.

Q. Well, then, that was of very little, if any, help to you? A. Very little.

Q. Well, then, your valuation of this tract of back land wasn't based upon the sales of property? A. No.

Q. What was it based upon? A. It was based upon my knowledge of water front values in the port in general.

Q. Then, you gave the back land of this tract a water front valuation? A. I don't—I haven't

referred to this area as back land, and I valued it in connection with the water front.

Q. No, but what other property in that locality did you compare this tract back of the 1,200 feet with? A. I valued this tract—

Q. I mean what did you compare it with, if any property? A. I valued this tract as a whole by my knowledge of water front properties which have sold as a whole. But I had to take the sales of water front property as I found them and I valued this tract as I found it.

Q. Well, now, just which sale did you use?

Mr. Bain: Are you asking the witness whether he used one sale as a criterion or as a standard?

Mr. Stout: Oh, no; I am letting him have his own way. I am asking him what sale or sales he used in arriving at the value of this back land property.

Mr. Bain: Well, now, may I ask what you mean by "use"?

Mr. Stout: Consider.

Mr. Bain: You mean for the purpose of comparison—

Mr. Stout: Yes.

Mr. Bain: —or for the purpose of consideration? There is a distinction between the two.

Mr. Stout: Considered for the purpose of comparing.

Mr. Bain: Well, that means comparison.

Mr. Stout: I thought you had to consider it before you compared it.

Mr. Bain: Repeat the question, please?

Q. (Question read.) A. I considered all the sales of the water front property—

Q. From Weehawken to Bayonne? A. And further north.

Q. And further north? A. Yes.

Q. Can you point out any one sale which was more helpful than another? A. No.

Q. No. Can you point out the lands involved in any of those sales which were more comparable with this property than with the lands involved in the other sales? A. I can point out sales that are more comparable as regards location, but I don't think that I can point out sales that are more comparable physically one over the other.

Q. What comparison, if any, did you make between the sale to the Cunard Steamship Company and this property under consideration? A. I considered the sale to the Cunard people just as I have considered the other sales. It had, of course, different questions surrounding it than some other sales, and I took everything into consideration in arriving at my value.

Q. In your opinion, was the sale of the lands involved in the purchase by the Cunard Steamship Company at market value at the time of the sale? A. I think the sale to the Cunard people was made under conditions which made the consideration above market value.

Q. Well, what conditions were they? A. A special need of the Cunard Steamship Company.

Q. Don't you think that whenever a railroad or a steamship company acquires property for use that they have some particular need for the property? A. You may have a special—they may have a special use for it without having an urgent need.

Q. You think that the Cunard Steamship Company had an urgent need for this property? A. I think at the time they felt they had to do something and that very quickly, and that they had an urgent need.

Q. How did you arrive at their feelings? A. By a knowledge of conditions that existed at that time in shipping in the port.

Q. But not conversing with the parties to the sale? A. No.

Q. Well, in your opinion, what was the market value of the Cunard property at the time of the sale? A. I did not make a valuation of the Cunard property at the time of its sale.

Q. Did you make a valuation of it as of January 1, 1921? A. No; I haven't valued it as of January 1, 1921.

Q. And you compared that property with this tract of the West Shore without determining in your mind the value of the Cunard property? A. I did not compare the two properties. I merely took into consideration the fact of its sale and its consideration.

Q. Well, what help was that to you if in your opinion it sold for more than market value? A. It helped me to form my opinion of the conditions that existed in shipping at that time.

Q. But not as to the value of the property? A. Not as to the value of that property, no.

Q. Well, then, that sale wasn't of very much help to you, was it? A. It was not.

Q. You are familiar with the sales to the New York State Realty and Terminal Company? A. Yes.

Q. And did you use those sales in arriving at the value of this tract of the West Shore? A. I considered them.

Q. You considered them. And what comparison, if any, did you make? A. You mean comparison in the properties?

Q. In the value. A. In the value?

Q. Yes? A. I don't think I directly compared the values.

Q. Well, then, those sales didn't help you very much, did they? A. They did not.

Q. You started to make your study, or rather, inspection of this property under consideration last summer? A. Yes.

Q. And you found no sales that were of market value to help you in arriving at the value of this tract under consideration? A. I found that north of the property under consideration there had been within recent years a considerable number of transfers and at prices which seemed to indicate no great marked difference, and I considered that for the property which had thus sold, the considerations seemed to indicate a normal market value in that property; North Bergen and Edgewater, water front.

Q. Then you considered that those sales were made on a normal market, and therefore this particular tract of the West Shore had a normal market value? A. I considered, of course, that the property under appraisal had a normal market value, and I have tried to express that in dollars and cents.

Mr. Stout: It seems to me, may it please the Board, that this witness in respect to this piece of property has shown no peculiar or special knowledge to qualify him as an expert to testify as to the value of this particular tract. I move that his testimony be stricken out.

Mr. Wall: This isn't the time nor the place to do that.

Mr. Bain: I might say before—

The President: I don't know that I care to indicate the judgment or the disposition of the Board as to the value of the testimony of the witness. However, we are inclined to admit it. I think—

Mr. Stout: Well, maybe it goes to the weight of it.

The President: Yes. I think your objection was as to his qualification now, wasn't it?

Mr. Stout: Yes. I reserved that right when I made my general objection.

The President: Yes.

Q. Take the next tract, Mr. Morrison, and tell us what is the basis of your valuation of $2,537,400 for that particular piece of property. A. This is a piece of property adjoining the previous property on the north and belonging to the same carrier, and is developed specially for railroad uses. It has two very deep slips on it, adjoining Pier 3 on the north—south and north sides. It has a proportionately smaller amount of level land in proportion to the land under water than the piece just testified to where the ferry is located, and this property has been considered as having connection with the other property, as being in the same ownership, and has been valued just as it is physically for any purpose which it could be put to, as it is. And the value thereon is the fair, normal market value. My reason for expressing that value in two parts is the same as I have given for the other; that at the unit of $45,000 per acre for

the depth of 1,200 feet all the special value attached to this plot by reason of its frontage on the Hudson River is absorbed, and while it isn't physically divided in any way from the—about ten acres at the back, I have given that ten acres the value of $30,000 per acre as I have the other, considering this whole tract as in one ownership, and not depreciated in any way by the fact that the State Board has divided it for assessment purposes.

Q. In other words, after making your division for the purpose of appraisement, you have placed a uniform value upon the front tract and a uniform value upon the back tract? A. That is of the respective tracts, of the two—

Q. Yes? A. Yes.

Q. Is your value based upon the market value of this property devoted to a railroad use? A. I have valued this property as it is for the use that anyone could make of it, possibly a higher use; I am not prepared to say how high the railroad use is, because it is a peculiar use of land and beyond my determining just how valuable it is to the railroad; but I valued this property from the point of view of the average purchaser, and average user of water front, or the ordinary—one who could be in a position to use it as highly as it were reasonably possible.

Q. Did you take into consideration that this property would have a higher market value if sold for some other use? A. I don't know. There is only one fair market value, and I have tried to express that. That is, I have taken this property as it physically is and situated and put a value that the average user of water front would be justified in paying.

Q. Well, you say that in arriving at your valuation you considered other uses? A. Yes, all uses.

Q. All uses? A. Yes.

Q. Well, when you considered all uses, wasn't it necessary for you to determine what the market value of this property would be for each use? A. I except railroad use from that all uses.

Q. You mean you eliminated railroad use? A. I eliminate railroad use.

Q. You eliminated railroad use in arriving at your valuation. What uses did you consider? A. All others.

Q. Well, what are they? A. All uses to which water front property would reasonably be put in this vicinity.

Q. Well, that is what I mean, what uses you considered that this particular piece of property could be devoted to other than a railroad use? A. Well, I state that I find water front property being used in this vicinity for industrial and commercial purposes, in connection with water front.

Q. But you say that you eliminated the railroad use in arriving at your valuation. Now, then, tell us what use you did consider in arriving at your valuation.

Mr. Wall: He says other industrial and commercial uses.

A. I won't try to describe a factory on this property, putting it to the use of making soap and shipping it, or anything of that sort. The uses are varied in this vicinity for the same kinds of property, and they are all making a successful use of it, as far as I can

see, north of here, except the Lord Dry Dock, but I don't want to specify any one particular industry.

Q. Well, if you took the railroad use away from this property, don't you think that that would destroy it very materially in value? A. You mean to take the main stem of connecting roads away? Yes.

Mr. Bain: Just a moment. Take what part of the railroad away? Remove the yards, or remove the main stem?

Mr. Stout: We are talking about the terminal yards of the Weehawken.

Mr. Bain: Fed by a railroad main stem?

Mr. Stout: Yes. Take away the terminal yard of the Weehawken; in other words, take that away, have the bare land there, wouldn't you depreciate its value?

Mr. Bain: Below what?

Mr. Stout: Below its value for railroad use.

Mr. Wall: That is an awfully involved thought.

Mr. Stout: Well, he says that is what he considered. He didn't consider the railroad use.

Mr. Wall: If he wants to ask him the question what that land would be worth for commercial or industrial use if it wasn't served by a railroad, that is one thing, but it is a very remote and useless thing in this proceeding.

Mr. Bain: And an improper question any way, because the Board is called upon to determine the value of this land as it is, not

as it might be if some other conditions existed.

Mr. Stout: Very true, but the witness has said in arriving at his valuation he eliminated a railroad use.

Mr. Wall: No, he didn't say that in that way, I don't think. Mr. Stout is treating it as though he answered the question by eliminating the possibility of any railroad being on that location. Now, that isn't what he meant.

The President: Well, didn't he?

Mr. Wall: He said he valued it for its greatest value, for industrial and commercial purposes, not including the railroad as a possible purchaser. That is what his idea is.

Mr. Stout: Well, that may be his idea, but that isn't what he said.

Mr. Wall: I thought that was what he said. Ask him whether he gave his valuation with the idea that there was no railroad there at all.

Mr. Stout: Well, why should I ask him that?

Mr. Wall: Because you are clouding it up. He is entitled to fair treatment. He is entitled to know what you are asking.

Mr. Stout: I have been very decent.

Mr. Wall: I think you have. You usually are.

Mr. Stout: Repeat the question.

Q. (Question read as follows): "Take away the terminal yard of the Weehawken; in other words, take that away, have the bare land there, wouldn't you depreciate its value?"

Mr. Bain: The question I raised was depreciate its value below what?

Mr. Stout: Below its value for railroad use.

Mr. Bain: By what railroad?

Mr. Stout: Present railroad or any railroad.

Mr. Bain: If by the present railroad, the question is objectionable on the ground that the valuation cannot be determined according to the use of a particular property by a particular owner for its particular use.

Mr. Stout: All right, we will say any railroad.

Mr. Bain: If the question seeks information as to the value because of availability for railroad purpose generally, that is different, but we have heard so much about railroad use I think we ought to find out now what counsel means by railroad use, whether he means value to this particular railroad, or whether he means value according to availability generally for railroad use as it is being used.

Mr. Jess: Well, I think the question now has become so involved that even Mr. Wall doesn't understand it.

Mr. Stout: Well, probably we will save time by asking another question.

Q. Mr. Morrison, didn't you testify that in placing a value on this particular tract of the West Shore

that you eliminated the value for railroad use? A. I think I did.

Q. Yes. Now, then, if you take away the railroad use of this property, and place a value on it for some other use, wouldn't that depreciate its value over its availability for a railroad use? A. I think not.

Q. You don't think it would? A. No.

Q. In other words, you think that this property has a higher value for some other use? A. The only reason—

Q. Just a minute.

Mr. Stallman: I submit that the witness is entitled to answer the question.

Q. Well, say yes or no.

Mr. Stallman: He might not want to answer that way.

Mr. Stout: Well, he can explain it afterwards. Read the question.

Q. (Question read.) I think that question can be answered yes or no.

Mr. Jess: Yes, it may be.

A. Yes.

Q. And what is that use? A. It is a use which is determinable, railroad use and the value of this property to the railroad not being determinate I must find out the fair market value from an ascertainable source and that is for the normal use of water front in this location.

The President: We will adjourn until ten-thirty tomorrow morning.

An adjournment was here taken until Wednesday, January 25, 1922, at 10:30 A. M.

Charles W. Morrison, Cross

Eighth Day.

Trenton, New Jersey, Wednesday, January 25 1922.

Present:

Mr. Baker, president, Mr. Jess, Mr. Margerum and Dr. Barber.

Appearances as before noted, Mr. Wall appearing after recess.

Case resumed pursuant to adjournment.

CHARLES W. MORRISON resumes the stand.

Cross-examination continued by Mr. Stout:

Q. Mr. Morrison, referring to the second tract on your appraisal consisting of 59.720 acres, New York Central property, will you tell us what industrial or commercial use of this property you considered in arriving at your valuation? A. I considered steamship use.

Q. You considered steamship use, and did you consider that to be a higher or lower use in value?

Mr. Bain: Than what?

Mr. Stout: Than railroad use.

A. The value of railroad use was not determined by me, and therefore, I cannot compare the two.

Q. Then you didn't consider the value of this property as you found it devoted to a railroad use? A. I found this property—

Q. I am asking you yes or no.

Mr. Bain: If the question can be answered yes or no, if it cannot, I submit the witness

has a right to give an explanation, if questions cannot be answered yes or no.

Mr. Stout: Everybody knows that, but listen to the question.

Q. (Question repeated.) A. Yes, I considered the value of the property as it is with piers and solid land.

Q. And devoted to a railroad use? A. It is being used by the New York Central.

Q. Did you consider it in arriving at your valuation that it was devoted to a railroad use? A. I admit the fact there are tracks there used by the New York Central.

Q. Did you consider it in arriving at your valuation? A. I considered in placing a fair market value upon this property what the highest utility would be willing to pay for it or what would be the value arrived at from the data which we have at hand, such as sales of other water front property on the Hudson River.

Q. Did you consider in arriving at your valuation of this property what it would be worth or what it would sell for in the market if the New York Central Railroad were willing to dispose of the property to a purchaser who was willing to buy it for the same purpose? A. No.

Q. The next tract on your appraisal, we will designate it the third parcel, consisting of .370 acres, tell us how you arrived at your valuation of that property? A. That is a piece of land lying to the southwest of the main stem and is not on the level with the yard, but of course, is owned in conjunction with the main stem and the yard, and has no tracks upon it, I think, as far as I could determine, it was a little difficult to see the line, although I think I

have it correct, and after seeing that property and inspecting its physical condition, I put a value of $10,000 an acre on it. It lies close up against a rocky cliff.

Q. What is that shore front property or back land? A. It is part of the terminal here.

Q. Would you consider it shore front property or back land? A. It is all part of the one holding used for railroad use here.

Q. If you won't answer that question, will you answer this one? In arriving at your valuation of this particular tract, did you use the valuations of adjacent back land or did you use the valuations of shore front property? A. I took into consideration that it was connected with the property.

Mr. Stout: May it please the Board, can't I get a direct answer to my question?

Mr. Stallman: He is starting in to tell you.

Mr. Stout: Which did he use, did he use the back land valuations or did he use shore front valuations?

Mr. Bain: I suppose he used both.

Mr. Stout: Well, then, he can say he used both, it does not call for a long dissertation.

The President: I think to accelerate things, you ought to be a trifle more responsive.

The Witness: I shall try.

The President: You seem to be rather prodigal in the matter of time.

A. It is a matter of judgment after considering the surrounding valuations.

Q. You applied shore front valuations? A. I considered the values.

Q. You did consider the— A. I considered all the values surrounding this tract.

Q. What shore front valuations did you consider in arriving at the valuation of this particular piece of property? A. I considered that it lay in the rear of property that I had valued at $30,000 an acre, and was up against a rocky hillside.

Q. Which particular piece of shore front property did you consider? A. The tract mentioned in this second item as being a residue of ten acres at $30,000 an acre.

Mr. Bain: I think Mr. Stout called for any sales that you considered, isn't that true, Mr. Stout?

Mr. Stout: No.

Q. So you used the valuation that you had placed upon the back lands of the West Shore ferry tract, Weehawken, as the basis for determining the value of this particular piece of property consisting of .370 acres? A. Yes. I tried to be logical about using those values.

Q. I see. And by using that valuation of $30,000 for the West Shore ferry property you arrived at a valuation of $10,000 for this tract, consisting of .370 acres? A. Yes, for this particular piece of land, I felt it had no greater value than $10,000 an acre.

Q. What structures are on this property? A. There were no structures.

Q. Are you sure there are no structures on it, Mr. Morrison? A. I am sure of that.

Q. If there were structures upon it, would your opinion of value be just the same? A. I can't say, because that is hypothetical.

Q. You can't answer hypothetical questions?

Mr. Bain: I object to that suggestion.

Mr. Stout: He said if it was hypothetical he couldn't answer.

Mr. Bain: I object to the statement of counsel that the witness has said anything indicating that he cannot answer a hypothetical question.

Q. You can't answer a hypothetical question in respect to this particular piece of property?

Mr. Bain: What is the hypothetical question?

Mr. Stout: I have asked a question.

Mr. Bain: I object on the ground that it is not based on any hypothesis.

Q. The question is, can you answer a hypothetical question in respect to this property.

Mr. Stallman: Objected to, because that is too vague and indefinite.

The President: As to this property?

Mr. Stout: Yes, this particular piece of property under review.

Mr. Bain: What is the hypothesis?

Mr. Stout: One of the qualifications of an expert is to have such knowledge that he can answer hypothetical questions.

Mr. Jess: What is your hypothetical question?

Mr. Stout: The hypothetical question was that if there were structures upon this property would his valuation of it be the same?

Mr. Stallman: He has answered that.

Mr. Jess: That is certainly all right.

Mr. Stout: Then he said that that was hypothetical, therefore he couldn't answer it, and then I think it is proper to ask him testing his knowledge as an expert whether he can answer any hypothetical question in respect to this property.

Mr. Stallman: That depends on the hypothesis.

The President: Is there an objection to the question?

Mr. Stallman: Yes.

The President: Overruled.

Mr. Bain: Now, I understand the question to be whether the witness can answer any hypothetical question about this particular piece of property?

Mr. Stout: Yes.

The Witness: I should have to know what the hypothetical question was first.

Q. The one I asked you you cannot answer? A. As I understand it, you have asked me if I would put the same value on that piece of land if it were a fact that the railroad had utilized it for a structure?

Q. Yes. A. Now, my answer to that would be that since the railroad might devote that land to some peculiar use which is beyond my range of calculating in value, I couldn't state that my value would be any different even though a structure were there.

Q. Then you value the property on the basis of the use to which it is devoted? A. That is one of the guides in my judgment.

Q. In other words, you don't take the property as you find it and place a value upon it devoted to

any use within reasonable contemplation? A. Yes, in order to have a full and fair market value such high uses must be considered and I have done that.

Q. But the particular use to which the property is being devoted would not depreciate your valuation? A. I won't depreciate the value because of its being used for railroad use in this case.

Q. Or would it increase it? A. I can't say that.

Q. Then how does the particular use to which the property is being devoted in any way influence your judgment of value?

Mr. Bain: That is in this particular instance?

Mr. Stout: Yes.

Mr. Bain: Used for railroad purposes?

Mr. Stout: Yes.

A. The railroad has taken this plot of land and developed it for its purposes and has left it in a physical condition which I have inspected and valued. That is where the railroad use has influenced my judgment.

Q. Oh, the railroad use did influence your judgment in this particular instance? A. To the extent that the railroad use has altered this property from its original condition.

Q. And made the property now susceptible to a railroad use? A. Certainly.

Q. And you considered that in arriving at your valuation? A. I considered any use, the highest use in my judgment that this property could be put to.

Q. I thought you said yesterday you excluded use in arriving at your valuations?

Mr. Bain: I object on the ground that the witness did not so state. He stated he could not determine the value for railroad use. The question is whether he excluded value for railroad use, not whether he excluded the railroad use.

Q. (Question repeated.) Did you so state yesterday? A. My intention was to convey the idea I couldn't determine what the value of railroad use is.

Q. And if therefore you couldn't determine the value of the property devoted to a railroad use, necessarily you would have to exclude it, would you not? A. I can value the railroad property and arrive at a physical valuation of it as it is.

Q. That is your best answer? A. Without regard to the railroad using it.

Q. Take the next tract, the fourth on your list, consisting of .155 acres, tell us how you arrived at the value of that piece? A. It is a piece of land on the level, on grade, and lying in the "Y" where the main stems join and enter the tunnel, and I think that it is largely vacant, although there may be some signal machinery resting upon the ground used for operation of the railroad, and these parcels lying to the west of the main terminal tract, I have put in at this sum of $10,000 an acre.

Q. Mr. Morrison, this small tract of land is on a level, is it not, with the back portion of the terminal yard here (indicating)? A. That is true.

Q. And there is no physical separation of this piece from the other part of the yard except the tracks there? A. Except the use the railroad has made of it.

Q. Yes, and therefore if you took the tracks off it would all be one contiguous piece of property? A. Yes, all one piece.

Q. Then how can you say this piece is only worth $10,000 an acre and the adjoining property used for the same purpose is worth $30,000 an acre? A. This section of the yard has a situation lying between steep cliffs and wouldn't have as high a use for any use to which it could be put as the main terminal tract that I have put at $30,000.

Q. It is being used by the New York Central, isn't it? A. It is—

Q. Isn't it? A. It is being used, it is being put to use, yes.

Q. And used in conjunction with the back portion of this terminal yard?

Mr. Jess: Mr. Stout and Mr. President, I am just wondering whether there is any possible way of expediting this. I think of course, there ought not to be any attempt to shorten any cross-examination you feel is necessary. It is not the desire to criticize, and I don't know whether it can be done, but this occurs to me, you have been discussing Block 2176, will you answer this question. Here are three parcels all assessed and they are all West Shore Ferry, Weehawken, at "Y," and there are three of them valued at $10,000 an acre, would it be possible, Mr. Stout, regardless of the separate valuations, to take the tracts of these separate valuations where they have three

or four or five together, where the land is about the same, and one value is placed on it, is it necessary to go into each item?

Mr. Stout: No, it is not, and I suggested that when it came up; I think, it was when Mr. Huntley was testifying and Mr. Bain thought that might be confusing.

Mr. Bain: Where there were different pieces of meadow land, main stem land of the railroad company.

Mr. Stout: I want to expedite it.

Mr. Jess: I am just wondering, it may be there is no way to expedite it, but it seems to me if you take each separate parcel and ascertain his reasons for valuation on each one, we will never get through. There are certain general principles he has used in making these valuations.

Q. Mr. Morrison, the same reasoning and the same application were used by you in arriving at the valuation of the next tract, five on your list consisting of 1.258 acres? A. Yes.

Q. Although that tract is also a part of the main yard, and has no physical separation from the other part of the yard except the tracks? A. Yes, I have simply graded the value as I have stated, some more and some less.

Q. And that is your only reason? A. It has been largely judgment.

Q. Has it been anything else but judgment? A. Judgment is all that I can say.

Q. The next parcel, six, on your list, consisting of 3.680 acres, what is the basis of your valuation on that? A. That is a piece of property which extends up to the Boulevard and has a small portion of

rock, on a level with the Boulevard, and then it leaves very precipitately and descends abruptly to the level of the yard. I think I have the right one. That is, the area is different, the actual difference as ascertained by the rule seems to be different, but I think it is meant to be that one there (indicating). Oh, yes, it is combined with these others to make the total of 3.68, so that it takes in more than just that, it takes the other side rock and this triangle in the vertex in the "Y" between the main stems, it includes those three parcels, but the greatest part of the entire area is sidehill or rock cliff.

Q. Then you combine here after arriving at a valuation, sidehill land with flat land? A. Yes, just what the State Board has done.

Q. And the reason why you put this lower value upon it is because the State Board had divided it up into these particular tracts?

Mr. Bain: Speaking now of the land in "Y"?

Mr. Stout: I mean all these.

Mr. Bain: I want to suggest to the Board, I am informed in at least one instance the witness has placed the same value upon some of these back lands as the State Board assessment. It might be well for the Deputy Attorney General to ascertain what the State Board's assessments are and where the value stated is the same as the State Board's assessment. It seems to me we are wasting time to go all over it.

Mr. Jess: Has your witness accepted those as the valuations without regard to his own opinion?

Mr. Bain: No, my information is in one instance the witness has placed the same value on a particular piece of property as the assessment upon that property by this Board.

Mr. Stout: He has taken three parcels here and added them together to make a certain area, and he put an average valuation upon them of $6,390 per acre, and he has got in those three tracts sidehill land with level land. I want to know whether that is the way he lunps property in order to arrive at valuations.

Mr. Jess: Is that the assessment you speak of, Mr. Bain?

Mr. Bain: The particular assessment I have in mind was the triangular piece in the so-called "Y." My information is, subject to correction, that the assessment on that property is $10,000 an acre. Am I not right?

The Witness: The one just below that, that piece there (indicating).

Mr. Bain: Is assessed at $10,000 an acre?

The Witness: Yes.

Mr. Bain: And that is the same value you placed upon the property?

The Witness: Yes.

Mr. Bain: And that is one of the parcels Mr. Stout has been delving into. It seems to me that is a pure waste of time.

The President: We have passed that now.

Mr. Bain: We will see if there are any more of a similar nature.

The Witness: The same condition applies in this case, so that the Board, the State Board has lumped those pieces and put the value on, and I think their judgment was very good in the matter.

Mr. Bain: How can the State question what the State Board has done.

Mr. Stout: Let us get this straight.

Q. Mr. Morrison, which pieces of property did you combine together in arriving at this acreage of 3.680 acres? A. I was asked to value 3.68 acres, I was asked to value that area. When I came to inspect this property I found it was in three parts, this part and that part, and that part (indicating).

Mr. Stallman: That does not mean anything on the record.

Mr. Stout: He says that the tracts consisting of .358 acres and .947 acres and 2.372 acres were combined and an average valuation placed upon the three tracts, that is what I thought he said.

Q. Now, then, Mr. Morrison, do you place the same valuation upon the tract consisting of .358 acres as you do upon the tract consisting of .947 acres? A. I want to call attention to the fact that all but nine and one-half per cent of this area is sidehill, that is all the same kind of property. Nine per cent of it is level on the yard and it is insignificant in altering the unit of 91 per cent being all sidehill and steep rock and cliff, so that while this little piece in here may be at the rate of $10,000 it won't alter the unit by a calculable amount. I hope I make that clear.

Q. If the parcel consisting of .358 acres is in your opinion worth $10,000 an acre, what is the parcel consisting of .947 acres worth or what was its market value on January 1, 1921? A. It is worth slightly less than $6,390 an acre.

Q. Slightly less? A. Slightly less.

Q. That is the only way you could get at it? A. Yes. The average, however, is $6,390 per acre.

Mr. Bain: Is that your value, Mr. Morrison?

The Witness: That is my value.

Mr. Bain: I am told that is the same as the State Board's assessment.

Mr. Stout: I object and move that that be stricken out.

Mr. Bain: It is merely a suggestion for the purpose of expediting the matter.

Mr. Stout: What of it?

Mr. Bain: What is Mr. Stout endeavoring to prove by this witness where the witness has stated his value which is the same as the assessment.

Mr. Stout: I am not endeavoring by this witness to show he knows that State Board's valuation. I want to know what he knows about it, irrespective of what the State Board has done.

Mr. Bain: I have called attention before to the fact that we are called upon to produce evidence as to the value of certain parcels assessed by the Board. This witness has done that. I don't think the State has any right to question.

Q. Take the next parcel on your appraisal, number seven, consisting of 114.281 acres and tell us how you arrived at your valuation? A. This is a piece of water front property devoted to railroad uses, and developed with particular regard to that use. It consists of what in my judgment appears to be three natural divisions, due to the respective depths of the property, the greatest depth being 1,400 feet and the shallowest depth being 860 feet more or less, and in placing my fair market value upon this land, I have taken special note of what lands have been selling for for purposes which could use this property to good advantage, and after I had made that investigation, I put a value on the first portion of $45,000 an acre for a depth of 1,200 feet and $30,000 an acre for the balance, $40,000 an acre for the middle portion, which has an average depth of 1,200 feet, and $35,000 an acre for the shallowest section. These three divisions being approximately equal in frontage on the pierhead line of 1,400 feet more or less.

Q. What particular sales did you consider in arriving at this valuation? A. I considered all the sales of water front property and I had particular regard to the sales of industrial property and water front property where shipping is used and where manufacturing is on the upland, where the upland is devoted to manufacturing and other intensive uses that we find to the north of this property a short distance.

Q. What sales of property in Hudson County did you consider? A. I considered all the sales contained on the schedules that have been submitted, and in addition others.

Q. What is that, you did what? A. I have considered all the sales in Hudson County that have been presented on the schedule.

Q. Well, now, which one of those sales helped you more than another? A. I think I cannot specify any one sale which stands out as having given me the greatest help.

Q. Didn't you compare this tract with the Cunard property in arriving at your valuation? A. I made no direct comparison.

Q. What do you mean by that? A. I mean that these two properties being dissimilar cannot be directly compared.

Q. All right; now, then, give us the sale of substantially similar properties which you used in arriving at the value of this particular tract? A. I don't think I can mention one sale that is substantially similar to this tract under appraisal.

Q. And no one sale helped you more than another? A. I think not.

Q. And yet you arrived at the value of this property under consideration by considering the sales? A. Yes, and other matters, of course.

Q. What other matters? A. Other matters that I considered relevant.

Q. What are they? A. The conditions surrounding these sales.

Q. Didn't you have to do that in considering these sales? A. Yes, that was part of my study.

Q. Outside of studying the sales and observing the physical conditions of the property under consideration, what else did you do in arriving at your valuations? A. I took cognizance of the conditions in the port as a whole, their values, that we have not brought into discussion.

Q. What do you mean, values of New York property? A. The conditions in the port. This property—

Q. What was the condition of the port on January 1, 1921, that was of material help to you in arriving at the value of this property? A. I found a stagnation in shipping.

Q. And you depreciated the value of this property by reason of that stagnation? A. I can't say that I depreciated the value. I simply took that into consideration in placing the value.

Q. In other words, if there hadn't been a stagnation in the port, would you have placed a higher value upon this property? A. I can't answer that question.

Q. Then what service, what help was it to you? A. The conditions which I have mentioned influenced my judgment in thinking about the Cunard sale, and the sales to the New York State Realty and the Luckenbach's purchases.

Q. You put no value upon the Cunard property? A. No, I didn't value that.

Q. Then you are not in a position to say whether that was a sale at market value or not? A. Well, I certainly would not be able to come anywhere near it if I didn't know the conditions surrounding the sale and the other sales that I have mentioned at that time.

Q. Mr. Morrison, how can you tell or how can you arrive at an opinion as to whether a piece of property sells or has sold at market value unless you know or have arrived in your estimation at the market value? A. In taking these sales that I have mentioned of the Cunard, the New York State Realty and the Luckenbach, I found there were causes that led to those purchases which were unusual and which ex-

isted at a prior date to January 1, 1921, that did not exist upon that date in valuation.

Q. You don't know whether that influenced the seller or the purchaser of the property? A. Which property?

Q. The Cunard property? A. Yes, I am sure that it did influence them.

Q. Have you had any conversation with them about it? A. I have with some.

Q. You mean with the seller and the purchaser? A. I have conversed with Mr. Lewis Luckenbach.

Q. I am speaking about the Cunard property. A. I depended largely on brokers for the information surrounding that sale.

Q. Their opinion as to whether it was at market value? A. I didn't ask their opinion, I just found the conditions and then formed my own opinion.

Q. You didn't use the market value of the Cunard property as a standard or criterion in arriving at the value of this particular tract? A. No, I did not.

Q. So it was not of any help to you, was it? A. No help.

Q. Now, then, was the Luckenbach sale of help to you? A. No, it was not.

Q. All right. Now, which sale was of help to you? A. I found more help in other sales, but I can't mention one sale which stands out as being the greatest help.

Q. Did you value the back parcels of these tracts as you divided them based upon back land values or on shore front values? A. This difference of $15,000 that I have made—

Mr. Bain: $15,000 an acre?

The Witness: An acre.

A. (Continuing.) —that I have made between what you call the back land and the front land is a matter of judgment, there being no sales of real land here because of the physical conditions.

Q. Then it is purely a matter of judgment? A. It is purely a matter of judgment.

Q. And your drawing your lines 1,400 feet back of the pierhead line is also an arbitrary division, is it not? A. It was merely an aid to my estimate.

Q. And you would have gotten the same value of Tract A in your appraisement of this parcel if you hadn't made that division line? A. My total value would have been the same.

Q. And if you kept continuing that line back from 1,400 feet to 1,600 feet, you would decrease the value of the land in front of it and enhance the value of the land back of it? A. My total would have been the same.

Q. Would you do that? A. The line, as I said, was mere aid in my estimation of the value in dollars and cents. The reason, I might say, that I put the line at 1,200 feet as an aid was because I found the sales of improved water front property to the south of this point to have been 1,200 feet or less in depth, that is, the average would be less than 1,200 feet, and it made the mental calculation easier.

Q. If you had put the line anywhere else you would have gotten the same valuation, wouldn't you? A. The same valuation, or if I used no line at all.

Q. And these pieces of property which were sold that you considered which had a depth of 1,200 feet from the pierhead line were of little

or no help to you, were they? A. They all helped to form my judgment.

Q. You cannot point out any piece of property which was sold which had a depth from the pierhead line of 1,200 feet which you can compare with this property and show us or tell us how it helped you? A. No, I can make no direct comparison.

Q. You think that the properties along the shore front, the Hudson County shore front, are so dissimilar in value that you can't make a comparison? A. They are dissimilar in physical characteristics and in location and that determines their dissimilarity in value.

Q. And so that you cannot make a comparison of one with the other to aid you in valuing? A. No, no direct comparison.

By the President:

Q. I might be a trifle obtuse, Mr. Witness, but I would like to have you amplify that answer. Do I infer that there is no similarity in the shore front property of Hudson County? A. It would be difficult to find two pieces of water front property which have sold that are similar, substantially similar. You might, now, if that sale from the American Warehouse & Trading Company had been of land say 540 feet in width instead of only 190 feet, we might have compared it to the Ocean Steamship Company, but we have to compare those parcels which have sold with railroad parcels which have not sold and are not for sale or on the market in any way, and that is where the trouble arises. Am I clear on that?

Q. Yes, I think you are. What I had in mind was this, if there is dissimilarity, a marked dissimilarity

in shore front property in Hudson County, it is a rather novel thing to me, and if there is such a thing and if you can make that fact obviously intelligible to me, I should like you to do it? A. I think one of the reasons which makes that a fact is this, that instead of having a regular line, such as Manhattan has, we have a shore line which has been developed with the growth of the country in New Jersey, the development in New Jersey has been piece meal and has been by railroads and without regard to city plan and without a regular water front street, and when we come to the Bay, New York Bay, something which cannot be linked up with the Hudson River frontage in any way and which you are not contending with when you are valuing water front property in Manhattan with a street like West Street with Eleventh Street in the rear, where one property after the other has the same bulkhead, it is constructed with practically the same length pier and with the same facilities for trucking and all that. We don't have that in New Jersey and it is extremely difficult to make any comparison.

Q. Won't you find on the Hudson River or the New York Bay on the New Jersey side miles of shore front that have a physical sameness? A. I couldn't name two pieces that are substantially similar.

Q. Let us say from Communipaw, from Caven Point, south to the city line or to the Kill Van Kull is there much difference? A. There the land is largely, excluding the Pennsylvania Terminal, the land is largely in a virgin condition, with a line at varying distances from the pierhead line, just like a flattened semi-circle, so that when you come down to the Hook where the Andrus pier property is, you have access

directly into a channel at the Kill van Kull, so that there is one extreme of value and the other extreme low value at Caven Point. I won't say there is no lower value than at Caven Point, there may be, I have not valued all the property, but in general you have a varied depth, and also a varying curve in getting into the shore where you might start; in other words, you have got to consolidate parcels in order, for example, to reproduce the Greenville Terminal or something like that. There are no two parcels I know of that are substantially similar even there.

Q. I have traversed some of that territory and I have not discovered any of those different characteristics that you speak of? A. Another feature I have not mentioned which is a very serious dissimilarity in that bay is the depth to the rock floor, as shown by the United States Geological Survey. That is, one may be able to dredge a channel thirty feet deep without any trouble with a dipper dredge at the worst, and another man may be able to use a suction dredge, where another man may have rock where he pays from twenty to sixty dollars in removing it, such as they propose to do at Bergen Point to get into Newark Bay. Those are obstacles in the bay.

Q. And you find them? A. They are there visible, yes, some of them.

The President: There is quite some of that property, as I recall it, that has a marked physical sameness, at least on the surface.

Mr. Bain: You remember the shore line does curve, it is in the shape of a crescent.

The President: Yes.

Mr. Bain: That makes a difference.

The President: I remember when the original shore line was the eastern bank of the Morris Canal and that had a few curves even before you reached Fiddler's Elbow.

Mr. Bain: You remember the access by street along that shore line is quite different at some points when you get down into Bayonne the street running down to the shore line, and in Jersey City there are practically only two streets, Chapel Avenue and Linden Avenue, that run down to the shore line.

You have also got to bear in mind the ownership lines. The various parcels of property that you can't see much of; that open stretch may look similar when it is covered by water, but when you take the different parcels into consideration you have an entirely dissimilar condition.

The President: I have traversed it on many occasions.

Mr. Bain: I am merely recalling these things to you.

Mr. Stout: I want to say that Mr. Bain once tried to convince the Supreme Court that these properties were so dissimilar in characteristics that you could not use one as a comparison of value with the other, and the Court said, "We fail to see why for the purpose of comparison land in lower Jersey City and Hoboken could not be considered. It is impossible to secure identical conditions. What is looked for is substantially similar conditions. There

is at least enough similarity along this water front to justify a comparison of values."

Mr. Bain: I think there the matter related to comparing several of the railroad terminals, one with the other, not to compare any part—

Mr. Stout: That was on the review of second-class railroad property, and the question came up whether the values of property in Hoboken were comparable with values at Erie and the Jersey City Terminal.

Mr. Bain: I think Mr. Stout is mistaken. I think what was said by the Supreme Court—

Mr. Stout: I am reading what the Court said.

Mr. Bain: But you have not stated all the facts. What the Supreme Court said there had application to an objection to the putting in by the State of the assessments of some of the railroad terminals as evidence of the value of other railroad terminals, and the Court merely suggested that there might be some similarity between the values of these railroad terminal lands, not comparing the railroad terminal lands with any land sold. That is my impression of that case.

Mr. Stout: I don't want to prolong this.

The President: It was astonishing to me that there was not a similarity.

Mr. Stout: If a witness testifies that these properties are so dissimilar that you cannot use the value of one in arriving at the value

of the other, and we can only use these sales of substantially similar property in arriving at the value of a particular piece of property, therefore the whole thing comes out to a man's judgment, you haven't anything upon which to base it except a man's judgment which you must take on faith. I don't believe any Court will ever go that far.

The President: I suppose—

Mr. Stout: Mr. Bain is trying to tell what he knows about it, and I am trying to tell what I know about it.

The President: I think we are anxiously bent upon getting information from all sources and from all angles. We are sitting now reviewing our own figures, and if this witness has something to my mind that is astonishing in showing that we disregard the elements of similarity, I should like to know. I thank you for your information, Mr. Witness.

By Mr. Stout:

Q. You do not consider, do you, Mr. Morrison, the sales of dissimilar properties in placing an appraisement upon a particular piece of property? A. No, I consider them in the sense that I feel it incumbent upon me to get all water front sales in cases of this sort on the whole water front, and I would feel lax in my investigation if I didn't know all those facts and all those sales—

Q. You know—

Mr. Stallman: Let him finish his answer, you are always interrupting.

A. —because to neglect the investigation of a dissimilar piece of property would be to limit my fund of information.

Q. You consider them but you cannot use them?

Mr. Bain: I object to that question unless counsel indicates what he means by the word "use." I have heard that word many times. The witness has said he considered the sales, other witnesses have said they considered these sales, but that they could not draw direct comparisons. What does counsel mean by the word "use"? Does he use that word in connection with consideration or in connection with comparison?

Mr. Stout: Use them in arriving at his valuation of a particular piece of property.

Mr. Bain: The witness has already said he considered them. What does "use" mean?

Mr. Jess: It might be important to ascertain what a witness does mean when he says he considered a thing. Does he mean by that he knew of the sales?

Mr. Bain: More than that. I understood the witness to say he considered them as part of his fund of information. They are informative matters.

Mr. Jess: When you consider a thing, yes, but how do you consider it, do you give it any weight?

Mr. Bain: That might be a proper question, but the relative weight that he gives it is a different question.

Mr. Jess: I think the Board would like to know from witnesses when they are asked

whether they considered the sales, just what they did, it might be a little difficult.

Mr. Bain: If you are asking for the mental process by which they converted that consideration into their valuation, it seems to me you are reaching for a—

The President: You cannot do that, Mr. Bain, but it seems to me the witnesses will say they considered them, and then it will subsequently be disclosed that while they considered them they ignored them. In other words, they didn't give them any weight, they didn't attach any value to them.

Mr. Bain: That is just the point, they can't ignore them. They are part of their education just the same as a man uses different parts of his education in later life to arrive at certain conclusions. How he does it would be almost impossible for him to explain, it is there in his mind and he uses them, but to get the exact process by which he uses it is delving into difficult matter. Perhaps the witness can tell you, I don't know.

Mr. Stout: I think the question is proper. We want to know, as Mr. Jess states, what he means by consideration. For example, you might build a house and you order some lumber and it is delivered on the job, and you look it over, you consider whether or not you can use it, and you find out that it cannot be used in that building, and therefore you don't use it. Now, then, in reference to these sales, he says they are sales of dissimilar property, so dissimilar that you cannot make a comparison. Then he takes the sale and studies it

and finds from the study of that sale that he cannot use it. I want to know, going back to my question, when I asked him about considering these sales if he used them in arriving at his valuations?

Mr. Bain: Of necessity if a man considered them he must use them.

Mr. Stout: He doesn't have to.

Mr. Jess: No, he might throw them aside, Mr. Bain.

Mr. Bain: It might be a proper question whether he ignored the sale entirely?

Mr. Stout: We don't want that.

Mr. Bain: I think that was the question Mr. Jess suggested that might be a proper question.

Mr. Stout: We want to know.

Mr. Jess: Of course, it would dispose of the whole matter if he said he ignored them.

Mr. Bain: If it were so useless it had to be ignored and the witness would so state, that would dispose of that particular sale.

Mr. Jess: I think it is proper to ask the witness if he used them in the ordinary sense in which that term is used.

Mr. Bain: What is the ordinary sense in which the word is used? We think, as I think I have said many times on this review —sales may be used either for the purpose of direct comparison, as a matter of law, or for the purpose of general information they may be used either way, it may be they cannot be used for the purpose of direct comparison and then they are used for the pur-

pose of general information. It may be the witness has used these sales or some or all of them for the purpose of general information that he got from them, even though he could not use them for direct comparison. Which is the ordinary sense of the word "use." Is it for comparison or for general information?

Mr. Jess: I should think probably it would be for both.

Mr. Bain: There is your difficulty. If you are going to combine the two, it is impossible to ask a witness whether he used the sales and expect an answer of yes or no.

Mr. Stout: Used the sales in arriving at his valuation.

Mr. Jess: Suppose a real estate man in making this study says, "Here, I have a sale." Of course, his first question, is that of any help, is that a comparable property, I assume, and if he says, no, that is not a comparable property, therefore, he probably would say it is not of any help and he would ignore it, he would not use it.

Mr. Bain: He would not, of necessity, say no, because it is not comparable it is of no help, he might say yes, it helps me to form a judgment as to this other property, just how it helps me is a matter of reasoning.

Mr. Jess: That I think is too intangible, I don't think it helps at all if you do not take it into account. This is my point, say we have the Cunard sale, the expert says that is not

of comparable property, that is the first thing. The second thing is it was made under unusual conditions—I am assuming he goes through these processes in his mind—it is made under forced conditions, therefore, it did not meet the test of the law and I cannot find any reason why it is of any help to me in forming my opinion of the value of this property. Now, does he use that, do you say, in arriving at his judgment? No, he ignores it entirely.

Mr. Bain: As a matter of comparison he states he has a number of sales and says, "I can infer from those sales there is some demand for property, therefore, he can consider his sales not for the purpose of getting a standard of value but for an entirely different purpose. I am suggesting that as one thing. Sales may produce in the mind a great many matters not by way of direct comparison at all, entirely outside of that, they may be helpful in forming an opinion as to value although they might not be directly comparable.

Mr. Jess: Well, that may be true, but I confess I cannot see how if you say that it is not of comparable property and that the sale was made under unusual conditions, and then eliminate it, I cannot see how you can say it helped you in forming your judgment of that particular sale.

Mr. Bain: Well, I merely endeavored to give you my views about the matter.

Mr. Jess: I don't think we are wasting any time in a discussion of this sort, because I think it is rather important.

New Jersey State Library

Mr. Stout: I think it goes right to the foundation of the thing.

Mr. Bain: I do think some of these questions are not deliberately misleading but they tend to draw information which really is not enlightening in some instances.

Mr. Stout: I want to find out what he knows.

Mr. Jess: Mr. Stout, when a witness says, "I used it," it is perfectly proper then to ask the witness how he used it.

Mr. Bain: I think the next question is, "Did you use it for direct comparison or for a matter of general information?"

Mr. Jess: Yes, I think that is right. Even then he might say yes or no and you don't get any light on the question as to how it was used.

Mr. Bain: The question how it was used, I take it, seeks information as to how it was used for the purpose of direct comparison or for the purpose of general information. If it was not used for direct comparison but for general information the next question might be, I suppose, well, what effect, if any, has that sale as a matter of general information. In that way you might get some real light, but merely to ask a witness whether he used a sale and expect an answer yes or no doesn't mean anything.

Q. Mr. Morrison, you said that you considered all of these sales. Did you use any of them in arriving at your valuation of the particular piece of property under consideration? A. I don't think I could answer that question yes or no. I may be

able to give a satisfactory answer, as I understand it, from this discussion, but I couldn't answer that question yes or no.

Q. Well, could you answer this question? Assuming that all the sales that you have considered were of dissimilar properties than the one under consideration, how did those sales help you in arriving at the particular piece under consideration? A. The sales gave me a knowledge of conditions which have a vital influence on my judgment in placing a value.

Q. In other words, if a wholly dissimilar thing sells for a certain price that helps you in arriving at the value of a particular thing which you are appraising? A. It might be of very valuable information to me, it might be.

Q. Now, Mr. Morrison, take the next tract on your appraisal, which is number eight, consisting of 9.740 acres and the next tract number nine, consisting of 2.224 acres and the next consisting of 2.159 acres, and tell us how you arrived at those valuations? A. This land is at the toe of the slope which—

Q. Mr. Morrison, pardon me for a minute? A. Can I go on and describe it?

Q. No. When I asked you how you arrived at your valuations I wish you would indicate whether you used sales or your judgment so we can expedite matters? A. The physical condition of the land here precluding sales of similar property, I could use only judgment in arriving at value.

Q. So your opinion there is based solely upon your judgment? A. Yes, I might state it happened to be the same as the State Board in this instance.

Q. Did that in any way influence you? A. No, I thought their judgment was good.

Q. Did you know their valuation?

Mr. Jess: Let us pass on, because if the valuation is the same as the assessment why should we take up time with that.

Q. The next tract, consisting of 8.371 acres, you put a valuation on that of $33,300 per acre. Is that based upon sales of shore front property? A. My unit, my rate there of $33,000 is an average, and it is arrived at—this is main stem running through the main terminal yard at the West Shore ferry, and I have simply taken the value which I have taken previously upon the main yard and allocated to the main stem that portion to which it runs, and have arrived at a value harmonious with my previous value of the yard, simply taking the main stem as a part of the whole.

Q. You didn't add anything for continuity? A. By "continuity" you mean?

Q. One piece of property against the other, continuing in a line?

Mr. Bain: You mean continuity of the whole main stem of the New York Central?

Mr. Stout: No, I mean the continuity of the main stem in this yard.

A. I took the main stem as a part of the yard, as one whole.

Q. Did you add anything to this particular piece of the main stem because it was tied up to another piece of the main stem and so on? A. I tried to make it clear that I put a value on the main stem

so that it would harmonize with the value of the land surrounding the main stem.

Q. In other words, if there had been no main stem there, if those tracks had not been there you would have placed the same value upon it? A. Yes.

Q. In other words, the fact it was main stem did not in any way influence you in putting a value on it? A. Oh, no, I couldn't see the main stem there at all.

Q. And is the next tract, number twelve, consisting of 2.755 acres and the next consisting of 2.502 acres, the next consisting of 9.970 acres and the next consisting of 16.9—leave that out, you didn't appraise that, did you? A. I did not.

Q. The next consisting of .243 acres, and the next consisting of .670 acres, and the next consisting of 5.200 acres were all valued in accordance with the value that you placed upon the land through which this main stem ran? A. That is correct.

Q. And your same reasoning and your same sources of knowledge and application as to values, as you testified to to the first piece? A. Yes, sir.

Q. Mr. Morrison, referring to the first tract on your appraisal of property of the Delaware, Lackawanna & Western Railroad Company, consisting of .3184 acres—

Mr. Stallman: That has been changed.

Q. Make it 131.840 acres, did you use any particular sales in arriving at the value of this particular piece of property?

Mr. Bain: There is that word "use" again, did you use it for comparison, for consideration or for information?

Q. Did you use it to help you in arriving at the value of this particular piece of property? A. No, there were no sales at all similar.

Q. Did you compare it with other property in that locality as to value? Do you understand my question? A. Yes. I hadn't knowledge of any sale and I didn't value any other property in that neighborhood with which I could compare this.

Q. So you didn't use sales to arrive at value, neither did you use the value of any other property in that locality to arrive at your value.

Mr. Stallman: I object to that, the witness didn't say that. What the witness stated was that there was not a similar piece of property sold by which he could make a direct comparison, he didn't say he didn't use any other sales on the water front.

(Question repeated:)

Mr. Stallman: I object to that as a misrepresentation of the witness's answer.

Mr. Bain: And you see that the answer to such a question is not enlightening at all, so that you did not use any sales in arriving at your value. The witness has got all these sales in his head, and the question is really whether he ignored them entirely, but that is whether he didn't use them, if he used them, used them for some purpose in some way, I take it that the information Mr. Stout really wants is whether the sales were ignored completely.

Mr. Jess: That is not the present question.

Mr. Bain: It is what the answer to the question might indicate if it was answered directly.

Mr. Jess: The question, as I understand it, embodies what the witness said in the first place, that he hadn't used any sales and he hadn't made any value of a property in that locality.

Mr. Stallman: He qualified that by saying as a direct comparison. Everybody knows there has been no property the size of the Lackawanna yard sold on the Hudson River.

Mr. Stout: Who says there has?

Mr. Jess: Frame the question you want him to answer and we will save time, Mr. Stout.

Q. Mr. Morrison, if you didn't use the sales of property in that locality nor the value of other properties in that locality to arrive at your valuation of this particular piece of property, what did you use? A. I misunderstood the question the first time, and, therefore, my answer is not wholly correct. I wish to reframe my answer in this way—there were no sales of water front property with which I made any direct comparison, but in the valuing the yard as a whole, I had available before me and had knowledge of the properties of all those sales which have been heretofore introduced by other witnesses.

Q. You mean as to back lands? A. As to back lands. I neglected to state that in my first answer.

Q. So you used sales of back land to arrive at the valuation of the Jersey City terminal of the Delaware,

Lackawanna & Western Railroad? A. They helped me in forming my opinion as to the highest utility of this yard, and consequently the value that I placed upon it.

Q. Did you consider that the adjacent back lands could be used for the same purpose as this shore front property of the D., L. & W.? A. The D., L. & W.?

Mr. Bain: I object to that question. The question is whether he considered that the back lands could be used for the same purposes as the shore front lands of the Lackawanna road. What does counsel mean by the shore front lands that portion of the large terminal tract on the pierhead and bulkhead or that portion of the large tract which lies, we will say 1,500 feet or more back of the bulkhead.

Mr. Stout: I think the witness is an expert. He knows what is the shore property and what is not.

Mr. Bain: If that question is read I think it will be seen that it cannot be answered properly.

Mr. Jess: I think the question also embraces a statement or an assumption that was not included in the witness's answer. I don't know, maybe I misunderstood that.

Mr. Stout: Oh, well, we will ask another question.

Q. Tell us how you used those sales of adjacent back land? A. I found that the D., L. & W. was not using this entire tract as water front, but only a portion of it. They were using the balance as a classification yard and for other purposes where tracks

are necessary, the same use that they might put meadow land to or any large parcel not necessarily near the water front and I made a study of the rear land, sales of land on developed street, that is, streets with improvements, pavement, water and sewer systems and got at the lot value, and then without depreciating the value of this yard because it is used for a utility which is not as high as that. I arrived at my judgment of a dollar a square foot for 85 acres.

Q. Did you put a building lot valuation upon this yard there? A. I used my knowledge of the building lot value adjacent. Why, didn't I put an acreage value?

Q. Did you put a higher or a lower value than building lot values in that locality? A. Where the building lot values were comparable I put the same value.

Q. The same value as building lots? A. Yes.

Q. What knowledge have you of those sales of back land? A. The knowledge comes through inspection and through confirmation of prices paid, especially with vacant land sales are helpful, and where there were improvements I had to take those into consideration.

Q. Did you examine every parcel of property involved in those sales? A. I believe I have done so.

Q. Every one of them? A. As far as I know. I checked them off pretty carefully.

Q. A personal inspection? A. A personal inspection of that section, yes.

Q. Were the properties which were sold improved

properties, meaning by that buildings upon them? A. Some were and some were not.

Q. Where there was a building upon them how did you arrive at the value of the land? A. Through my knowledge of what such properties bring I determined what the value of the house or the dwelling might be as apart from the land. I put more weight on the vacant land sales, though, because there was no calculation involved.

Q. How many sales of back land did you examine as to physical conditions? A. I can't state the exact number.

Q. Well, the whole list that Mr.— A. I suppose all of those, and I made investigation so that I satisfied my judgment, satisfied myself thoroughly before forming my judgment.

Q. How long did it take you to make a physical examination of those properties? A. I am not sure. I had an automobile.

Q. Did you do it in a day? A. Oh, yes, I saw them all in a day.

Q. And arrived at your valuations in a day? A. No, I can't say that.

Q. How far back did you go in respect to these back lands?

Mr. Bain: Back of what, the bulkhead or back or the rear end of the yard?

Q. Involved in these sales? A. Most of them were east of Jersey Avenue, but there were some west.

Q. Jersey Avenue in Jersey City? A. Yes, that is the avenue, yes, sir.

Q. And you compared those lands located on Jersey Avenue in Jersey City with the value of this

terminal yard of the D., L. & W.? A. Yes, sir, this terminal yard is in Jersey City.

Q. How far is it from Jersey Avenue? A. Three blocks.

Q. You felt that the land three blocks away on the public street was comparable with the lands of the Lackawanna Terminal in Jersey City? A. Yes, I found the utility in those blocks to be very much the same.

Q. Did you consider that the back lands of the terminal tract here were tied up to the shore front? A. Yes.

Q. And that imparted a value to the back lands? A. I have absorbed whatever special—

Q. Did it—

Mr. Bain: Let him answer the question.

A. —in my calculation and therefore in my stated value I have absorbed the special value which this tract has by reason of its frontage on the Hudson River, in the amount.

Mr. Bain: In what amount?

The Witness: In the first amount as given here totalling $3,169,548.

Mr. Bain: That is the value you placed upon the land along the bulkhead?

The Witness: Yes.

Q. Do you consider that there is more similarity between a building lot on Jersey Avenue in Jersey City and the back land of this terminal tract than you do between the shore front property of this terminal tract as you have divided it up, compared with the Cunard property? A. That is pretty involved, but I should want to know what lot, what particular lot, you have named a particular piece of shore front,

but you have not named the particular lot.

Mr. Bain: Or the particular part of the back land of the Lackawanna yard, either.

Mr. Stallman: Along Henderson Street, Provost Street?

Mr. Stout: Just a minute, I will ask these questions.

Q. I will let you take any lot on Jersey Avenue which was sold and ask you whether there is more similarity between that lot and the back land of the Lackawanna in Jersey City as you have divided it up, upon which you have put a uniform acreage valuation than there is in comparing the front land as you have divided up the Delaware, Lackawanna & Western yard in Jersey City with the Cunard property? A. I am unable to estimate those differences.

Q. Then I understand when you take a lot, a building lot on Jersey Avenue, Jersey City, you can there see a similarity so that you can use it as an element in determining value, although it is different in size, different in characteristics and has a different location, yet you cannot compare one piece of shore front property with another piece of shore front property lying alongside of each other.

Mr. Stallman: I want to object to that. Mr. Morrison didn't say he took any one lot on Jersey Avenue in Jersey City to compare with a rear portion of the Lackawanna yard. He said he studied a number of sales, not less than sixty, extending from Henderson Street to Jersey Avenue, and taking all those sales into consideration, fixed his value of the back

part of this yard, and for Mr. Stout to ask Mr. Morrison now to compare some one lot on Jersey Avenue with this yard is absolutely unfair and is probably done merely for the purpose of confusing the witness.

Mr. Bain: Furthermore, the question suggests that the Lackawanna yard and the property purchased by the Cunard people adjoin each other.

Mr. Stout: No, I don't say that.

Mr. Bain: I so understood the very last portion of your question. I submit the Lackawanna yard and the Cunard property don't lie alongside of each other.

Mr. Stout: He said he couldn't do it up there and then I asked alongside of each other.

Mr. Bain: That question is entirely unfair and improper, that is just the point.

The President: The Board is disposed to sustain the objection.

Q. Mr. Morrison, you can make comparisons between building lots and land contained in a railroad terminal yard devoted to a railroad use?

Mr. Bain: You are asking the witness whether he can?

Mr. Stout: Yes.

Mr. Bain: That is not the point of the question.

Q. You can do that? A. I have stated that I have done that.

Q. You can do that? A. Yes.

Q. But you can't make a comparison as to valuation between two pieces of shore front property devoted to the same or similar uses? A. I should have to first value both pieces to compare them.

Mr. Stallman: Do you mean comparison physically or in valuation?

Mr. Stout: I said valuation.

A. I should have to first value each piece and then state which was higher than the other.

Q. You can use the market value of building lots with buildings upon them to arrive at the value of railroad property used by a railroad, but you cannot use the value of one piece of railroad shore front property with another piece of shore front property in Hudson County because they are so dissimilar? A. I always try to arrive at the true value by comparison to adjacent and adjoining similar properties when they exist and where they exist, because I think that is a fair and just way of doing it.

Q. In your opinion there is— A. And I make those comparisons when it is possible.

Q. In your opinion there is sufficient similarity between a lot on Jersey Avenue in Jersey City with the back land of the D., L. & W. terminal property in Jersey City, so that you can make a comparison of values? A. That sale taken in connection with fifty-nine others would help me form my judgment.

Q. So, if you had fifty-nine sales of building lots you could use that as a standard in arriving at the value of this shore front property or this back land of the terminal tract of the D., L. & W.?

Mr. Bain: Does that question assume that the building lots are contiguous?

Mr. Stout: As they are as he has considered them.

Mr. Bain: You are referring then to the building lots sold?

Mr. Stout: I thought I was.

A. This wouldn't form a standard, but it would form a very good guide.

Q. And you put the same value, I think you said, upon the back land of this terminal tract of the D., L. & W. when the building lot was in your opinion of the same value? A. I think I understand your question. I put a value on the yard which is comparable with the value indicated by the sales of those lots when all the factors are taken into consideration. That is the difference in site value, or such things as that that must be considered.

Q. Can you point out on that list of sales the one sale which had such identical characteristics that you could compare its value with the value of the back lands of the Jersey Terminal yard of the D., L. & W.? A. No.

Q. Then there was not any such sale? A. You wanted one sale which was particularly—there were no sales situated in the exact location that the yard is located.

Q. So you used the fifty-nine sales of back land to arrive at your valuation of the back lands of this terminal tract of the D., L. & W. Now, then, tell us what yardstick you used to measure value of the front portion of this yard. You have it consisting of 46.611 acres? A. I had no yardstick.

Q. You know what I mean by that, don't you? What was your standard, how did you arrive at it? A. I arrived at that—

Mr. Bain: I object to that question on the ground it is double, what was the standard or how did you arrive at it? What is the answer to be, is the answer to be of a standard or of some process?

Mr. Stout: I don't know whether he had a standard or arrived at it in some other way.

Mr. Stallman: Why, don't you ask him how he valued it?

Mr. Stout: All right.

A. I arrived at my estimate of fair market value by consideration of all the bona fide sales that had taken place within recent years on the Hudson River.

Q. But those were all sales of dissimilar property? A. Substantially dissimilar.

Q. What else did you use? A. My knowledge of water front and the conditions of the port, my knowledge of shipping and familiarity with the situation along the Jersey water front.

Q. Then take the next tract south of the D., L. & W., consisting of 40.068 acres. Do you value that in the same way as you did the terminal tract in Jersey City? A. Yes, followed the same—

Q. The same process? A. Same process.

Q. Take the next tract consisting of 10.315 acres and tell us how you arrived at your valuation? A. This is a piece of the Lackawanna property which must be considered as not divorced from the balance,

and while I have not put an average value on that tract, I have put an expert value which it might have by reason of its peculiar situation and its susceptibility to a higher use, a more valuable use, and I have reckoned that at $85,000 an acre for the entire tract 10.315 acres.

Q. You used no sales of substantially similar property in arriving at your valuation? A. No, there were none.

Q. Sales then were of no help to you in arriving at the valuation?

Mr. Stallman: Objected to because he said he used comparable sales, he didn't say they were not any help to him.

Mr. Stout: Let him answer, not you.

Mr. Stallman: I don't think it is a fair way to examine a witness.

Q. (Question repeated.)

Mr. Stout: I asked him whether they were.

A. Only as general information.

Q. Take the next tract, consisting of 7.621 acres—

Mr. Stout: Mr. Dunham suggests that I ask the question whether the properties involved in this, these two next tracts, are second-class property, has it been considered by the Board.

Mr. Stallman: It has been so assessed.

Mr. Jess: It is second-class.

Mr. Stout: This is the first year it has been.

Mr. Focht: No, it has been ever since 1916.

Mr. Stallman: If Mr. Dunham wants to testify this property is not used for railroad purposes I ask that he take the stand, and I would like to cross-examine him.

Mr. Dunham: I want information.

Mr. Stallman: I don't think it is up to you to inject your remarks on the record.

Mr. Jess: It is assessed as second-class.

Mr. Stout: Well, if the railroad has no objection, I don't know why we should.

Mr. Jess: No.

Q. Will you tell us how you arrived at the valuation of this tract consisting of 7.621 acres? A. In placing my value of $415,344 on this tract and in using a rate of $54,500 per acre, that is the piece, isn't it?

Q. Yes. A. I took into consideration that this property and property adjoining had been sold, one in 1916 and one in 1915 and that the Ocean Steamship Company which adjoins it on the north has a depth between the pierhead line and Hudson Street of 1,300 feet more or less, that it had a considerable portion of upland, that it had a frontage of 540 feet on Hudson Street, that it was suitable for steamship use and had been so used. It had a depth on the pierhead line large enough for an economical use, in my judgment, and from all that I could learn about the property it represented about the fair market value at the time of sale. Taking that fact with my other data, and the knowledge of the other sales, I put a value of $54,500 per acre on the plot under appraisal as of January 1, 1921, knowing that the two properties, of the

two properties the Ocean Steamship Company has a higher value.

Q. You say you considered both of those sales to be at market value? A. I did not. I was speaking of the Ocean Steamship Company sale.

Q. The other one you considered too high? A. Yes, since its value in my judgment is less, and that it sold for more per acre.

Q. In your opinion were these properties more valuable on January 1, 1921, than they were at the date of the sale? A. I think they were somewhat more valuable on January 1, 1921, the difference being indicated in the value I placed on the Ocean Steamship Company to which we are coming.

Q. What is that increase in value between December, 1915, and January, 1921, based on? A. A rise in the value of water front property since the date of 1915.

Q. Did you consider these properties more valuable January 1, 1921, than January 1, 1920? A. I did not.

Q. You think they have the same value? A. I think there is less value on January 1, 1921, than there was on January 1, 1920.

Q. When in your opinion did these properties have their highest value between 1915 and 1921?

Mr. Bain: May I ask Mr. Stout as a matter of information which properties he is referring to?

Mr. Stout: The properties involved in those sales.

A. These properties probably had their highest value in the spring and summer of 1920.

Q. Would you tie that valuation up to January 1, 1920, or January 1, 1921?

Mr. Bain: Tie it up for what purpose? I object to that question on the ground it is improper, immaterial and irrelevant.

Mr. Stout: The witness has testified that in his opinion the highest valuation between these dates was reached in the spring or summer of 1920.

The President: Yes.

Mr. Stout: Now, I ask him in his opinion whether that highest valuation should be tied up to January 1, 1920, or to January 1, 1921.

Mr. Bain: How can you tie it up?

Mr. Stallman: I don't think it is up to the witness to answer that kind of question. He is not making any law.

Mr. Bain: What the question really seeks is an explanation of the peak of value.

Mr. Stout: I think it is very important for this Board. They have increased these assessments over last year, and I think if this witness can give them any aid they would welcome it.

The President: The objection is overruled and the question may be answered.

A. I should be glad to go into what I have found to be the history of this condition in shipping since the summer of 1919.

Q. We don't want that. A. I would be very glad to outline the rise and fall which has taken place in my judgment on the water front prop-

erty, if you wish me to do that. Would that answer the question?

Q. No. The question is in your opinion do you think its peak valuation in the summer of 1920 should be tied up to January, 1920, or January, 1921.

Mr. Bain: I object to the question on the ground it is unintelligible.

A. I don't understand the question, the tying up, just what that means.

Q. All right. You have divided this property the same as you have other properties, putting a line so far back from the pierhead line? A. I have not in this case.

Q. I thought you put an average valuation here on a parcel fronting on the pierhead line, going back a depth of 900 feet? A. I was asked to arrange the schedule in that manner for convenience of comparison. I have not used that method in my valuation, but I was asked to prepare a schedule which was mere mathematical calculation, but that basis I have not used, I don't know what it is.

Q. You just put an average valuation upon this yard or tract of land? A. No, I tried to express that I had used the sale of the Ocean Steamship Company largely, considering that a normal sale at the time of its purchase by the Lackawanna, having that property situated as a sale, I didn't need to go into this method of absorbing a frontage and a depth of 1,200 feet or some other depth, since it was all done for me, the calculation was largely made there.

Q. How could you arrive at an opinion that this

sale was at market value unless you did go through your general process of dividing the property up and appraising it? A. I, in this case, have accepted the consideration paid in this sale as being as near a representation of the fair market value of that property at the time of the sale as it was possible to obtain from my investigation that I made of the purchase of that property, and accepting that as a fact, I have not needed to go any further.

Q. Mr. Morrison, how can you say that a piece of property sold at market value unless you use your source of knowledge and your applications and figure out for yourself what the market value would be? A. If I investigate the circumstances surrounding a sale and found the sale took place between a willing seller and a willing buyer, and there was no necessity for selling and there was no necessity for buying, I consider that a sale at fair and normal market value.

Q. What was the source of your information as to a willing seller and a willing purchaser? A. I got as much detail as I could from the Lackawanna Railroad.

Q. Yes. They told you they were a willing purchaser? A. They told me how that sale was conducted.

Q. You didn't talk to the seller, did you? A. No, I did not.

Q. And so you relied upon that? A. I accepted their word.

Q. You didn't think it necessary to make any further investigation? A. I didn't consider it necessary.

Q. And you accepted the selling price of the next

tract, consisting of 16.136 acres as the standard of value or the market value without any independent calculation? A. You said the next property, the sale of the next property?

Q. Yes. A. The Ocean Steamship?

Q. Yes. A. I first studied the sale of the Ocean Steamship Company and have stated my results, and I then was able to form what, in my judgment, was an accurate opinion of the fair market value of the adjoining piece, the Manor tract, the piece under appraisal, under discussion now.

Q. Let us see whether I understand you. You considered the sale of the Ocean Steamship Company to the Hudson Realty Company to be a sale at market value? A. Yes, sir.

Q. And therefore you accepted that sale, or the selling price, rather, as the market value of that property, without making any independent calculation of the value? A. There is no formula which you can arrive at.

Q. I mean this, did you make any study to arrive at a valuation of this piece of property sold by the Ocean Steamship Company to the Hudson Realty Company except a study of the sale itself? A. I used that study as well as my knowledge of all the other sales, of course.

Q. What other sales? A. Sales which had taken place before and since.

Q. All the sales? A. All the sales, I neglected no sale.

Q. Then you did make a study independent of this sale to arrive at the value of the piece of property sold by the Ocean Steamship Company to the Hudson Realty Company? A. Yes, sir.

Q. I thought you said a while ago that you didn't? A. If you go back far enough in the notes you will see

that I, when I first began to express my procedure in valuing this that I made that statement that I neglected no sale, and that in my valuing this property I took into consideration all the sales.

Q. Now, when you placed a valuation upon the tract sold by the Manor Real Estate and Terminal Company to the Hudson Realty Company, you made an independent study of that piece of property, did you not? A. Yes, I made an independent study, just as I had previously done.

Q. So there you took that piece of property and divided it up and made your calculations, and so forth? A. Oh, no.

Q. You didn't? A. I didn't find it necessary.

Q. What did you do? A. I—

Q. Did you take the sale of the Ocean Steamship Company to the Hudson Realty Company as a standard? A. I found that to be my best guide, yes, in this matter.

Q. As your standard? A. Yes.

Q. And so you can here compare one piece of property with a frontage of 540 feet with another piece of property with a frontage of 332 feet? A. I compared them in the sense that I found that one property was more valuable than another.

Q. But in your opinion there was such a marked similarity between these two pieces of property that you could use the one as a standard of value for the other? A. I used the Ocean Steamship sale as a guide to a greater extent than the other sales.

Q. And you here could compare a piece of property consisting of over sixteen acres with a piece which contained seven acres and a fraction? A. Yes, I could compare them.

Q. Mr. Morrison, how did you arrive at the difference in value between these two tracts, one consisting of 7.621 acres and the other 16.136 acres? A. Based upon an examination of all the facts and an inspection of the property I formed my judgment.

Q. That there was a difference at $5,100 per acre? A. Yes, but I have also taken into consideration that the Lackawanna owned both these properties, but I find that as a whole if those two properties were to be devoted to the same useful purpose all parts of that tract would not be equal in value.

Q. Don't you think, Mr. Morrison, if these two tracts of property, owned as they are by the D., L. & W., and maybe devoted to the same use, that if it was all combined in one tract that you would have put an average acreage valuation upon it? A. I think I would have added those two amounts and got the aggregate. I have credited the land with a full value. I can get no more value by wiping out the old property line.

Q. Would you consider, Mr. Morrison, that the shore line property here, going back a certain distance which you would deem to be the proper distance to arrive at a valuation, that is from the pierhead line, would have a uniform front valuation. Did you understand my question? A. I think I do. I have tried to express that, as you will find when you come to the notes, that there is a different unit on these two parcels so that, of course, my front foot unit will be different.

Q. I am saying if these two parcels of property were in one tract and then you designated the line

which you would use to separate the property into two parcels, would you put a uniform valuation upon the front portion of the whole tract? A. A line to separate the one parcel into two portions?

Mr. Stallman: A line parallel with the pierhead line, separating the water front from the rear?

A. Let me see if I understand the question. You are asking me first where I would place the bulkhead?

Q. Well, yes. A. You are asking me to suggest a development of this property?

Q. I am asking you whether in your opinion the shore front property of these two tracts has an average acreage or front valuation?

Mr. Bain: Objected to unless counsel designates what he considers the shore front portion.

Mr. Stallman: This property is not deep enough to divide it in the manner you suggest.

Mr. Stout: I don't know anything about it, I thought maybe the witness did.

Mr. Bain: You are asking a question that has no point to it. You have barely enough back land to support piers.

The Witness: The total depth being 1,300 feet at the greatest depth.

Q. If you were asked to put an independent valuation upon these two tracts, would you divide it up into two parcels, making one parcel so many feet back from the pierhead line and the residue—

Mr Bain: What is meant by independent valuation?

Mr. Stout: Independent of the sale.

A. I have stated I credited the land with the value that it would have as one whole, being, of course, in one ownership.

Q. You did, did you not, Mr. Morrison, divide the tract consisting of 7.621 acres? A. No, I did not divide that.

Q. This is your appraisal, is it not? A. This is a set-up of my appraisal based upon certain lines that I was asked to take. I have not cut it up in that way, but for reasons of comparison with the schedules presented. The thought was it might help the Board in some way. My appraisal was not made on a front foot basis at all.

Q. So in arriving at your valuation of this tract, consisting of 7.621 acres, you made no division of the property for the purpose of appraisement? A. No, I have not.

Mr. Bain: No, and the schedule doesn't show, it shows an average depth of 900 feet.

Mr. Dunham: At $1,250 a front foot.

Mr. Stallman: Here is your average, you have your depth on this side and that side, the average depth is through there about 900 feet (indicating).

The President: We will take a recess at this time until two o'clock.

A recess was here taken until two o'clock.

After recess.

CHARLES W. MORRISON resumes the stand.

Cross-examination continued by Mr. Stout:

Q. The next parcel on your appraisement consisting of 1.525 acres, did you use any sales in arriving at the valuation of $57,600 per acre on this tract? A. Yes, I used the sales in the sense that I considered them.

Q. Where is this property located? A. It is the upper ferry basin.

Q. Did you use the sale of the Ocean Steamship Company as a standard in arriving at the value of this tract? A. Not as an absolute standard, but I used it in the sense that it helped me.

Q. So your valuation there is based upon your study of all the sales? A. Yes.

Q. And your judgment rather than any particular sale or sales? A. Yes.

Q. This main stem tract, consisting of 3.240 acres, is that valued upon the average valuation of the land through which it runs? A. Yes, that is right.

Q. Nothing added for the continuity? A. Nothing added.

Q. The next tract, consisting of 3.728 acres, is that based upon the average value of the land through which it runs? A. Yes, that is right.

Q. Nothing added for continuity? A. Nothing added for continuity.

Q. The first tract on your appraisal of properties of the Pennsylvania Railroad Company consisting of 12.731 acres, tell us what sales you used in arriving at that valuation?

Mr. Stallman: I would like to call your attention to the fact that that is a piece of main stem that runs down through the Pennsylvania terminal at Greenville.

Mr. Stout: I see.

Q. This tract is valued upon the average valuation of the lands on either side? A. Yes.

Q. Then, we will go on to the next one. The next parcel, consisting of 343.137 acres, tell us what sales you used in arriving at that valuation? A. In arriving at that valuation I had to use both the water front sales, particularly those in the bay, and upland sales, sales of upland to the west, which I found were available, helpful. They were—shall I enumerate?

Q. If you desire to, or I can point them out to you. You considered the sales to the Lehigh Valley Terminal Railroad Company in 1916? A. Yes, I took those into consideration.

Q. Did you consider those sales to be a market value? A. Yes, some of them.

Q. Which ones did you consider to be at market value? A. I think that all the sales except that sold by the Morris & Cummings Dredging Company come near fair market value at that time. I might qualify that by saying these comprise the Currie and the purchases by Vreeland, Blair, Cummings, Francis Welsh property and the—well, I think that covers it.

Q. Why do you think, why were you of the opinion that the sale of Morris & Cummings to the Lehigh Valley was not at market value? A. Because that property was very similar to the others and yet sold at a considerably higher price.

Q. You base your market value upon the selling price? A. I do, that is the basis from which I start to determine.

Q. Now, the Welsh tract sold for $3,457 an acre, and the Currie tract sold for $6,500 an acre.

Mr. Bain: May I interrupt, Mr. Stout, the Welsh property is a property that we frequently refer to as the Blair property.

Mr. Stout: All right.

The President: The Welsh property is the Blair property?

The Witness: As trustee.

Mr. Bain: Property owned by Judge Blair, sold by Mr. Welsh. We are accustomed to referring to it as the Blair property. To refer to it as the Welsh property might be confusing.

Q. You consider both of those sales were made at market value? A. I talked to Mr. Currie about that. He had a very narrow strip, and it was not really of very much use to him, yet he was able to get a rate somewhat above the larger tract because the whole amount involved was very little, and the Lehigh Valley was willing to clean out that little strip and give him $40,000. It didn't involve very much. I think he would have had difficulty, of course, getting it from anybody else.

Q. But did you consider it market value? A. It was nearer market value than the Morris & Cummings.

Q. When you take the Blair tract, Livermore tract, and say that was at market value, do you consider the

price of $3,457 an acre, or $5,340 an acre? A. I consider the value there at $3,457 an acre.

Q. You think if the Lehigh Valley paid $5,340 an acre for it they paid too much?

Mr. Bain: I object to that question on the ground it assumes a fact that is not shown.

Mr. Stout: It is this old question of whether the taxes were part of the consideration.

Mr. Bain: If the witness indicates the difference was arrears of taxes, all right, but the question, in its present form, is rather misleading.

Mr. Stout: I ask for an answer to the question.

Q. (Question repeated.) A. I think they did, from the standpoint of highest utility. I think that they did that to benefit their entire system and furnish an outlet and so forth.

Q. Do you know the conditions surrounding that sale? A. I am fairly well familiar with them, I may have forgotten some.

Q. Did you know that this property was involved in a foreclosure suit?

Mr. Bain: Referring now to the Currie?

Mr. Stout: No, the Blair property.

A. Yes, there was a mortgage of $650,000, I think, or some such sum.

Q. Wouldn't you consider that sale in the light of a forced sale? A. It may have been a forced sale, but the fact that they could get that much for such land would indicate to me that there was something

in the nature of a forced purchase as well that the fact that the Lehigh Valley wanted its terminal there enabled them to dispose of this land at $650,000, when I don't believe they could have sold it normally, under normal market conditions to what I would term the highest utility.

Q. What, in your opinion, was the value of that property on January 1, 1921, the Blair property? A. I have valued that, I have not my valuation here. I could give that to you.

Q. But without your data you could not tell us? A. Not from memory.

Q. But from your study of the Blair sale you are of the opinion that the owner was very anxious to get rid of it? A. I won't say that, I would say that from these sales as well as others that have taken place I infer that this was full and fair market value, $3,457 an acre.

Q. And you consider the one at $6,500 also at full market value? A. Yes.

Q. The Currie tract? A. Full market value.

Q. You considered the sale of the New York Bay Railroad Company to the Lehigh Valley as back land in this locality? A. Yes, I did.

Q. And in your opinion that sale was at market value? A. Not what I would term market value.

Q. What, in your opinion, was the market value of the upland involved in that sale? A. I think $10,000 an acre would be very much nearer.

Q. $10,000 would be nearer than the $15,000 that they paid? A. Yes.

Q. And what, in your opinion, was the fair market value of the land under water involved in that sale?

A. There was a small amount of water involved in that sale.

Q. About five or six acres? A. I will have to refer to my notes for that. I have no record of there being any such amount of land under water as you said.

Q. Do you know how much land under water was involved in that sale? A. I think about an acre.

Q. Have you examined the deed transferring the property? A. I think I read that deed.

Q. You think it called for an acre of land under water, about an acre? A. No, I won't attempt to recall that.

Q. What, in your opinion, would five acres of land under water there be worth, what would be its market value as of January 1, 1921? A. January 1, 1921, about five thousand an acre.

Q. About five thousand an acre, and you only make a distinction in value of $5,000 between land under water in that locality and upland? A. Approximately that much.

Q. Don't you know that it would cost a great deal more than that to put it in the same condition as the upland? A. I am aware of that.

Q. And don't you think or aren't you of the opinion that if railroad property, land under water acquires market value, that a railroad could get for it in the market after it had improved it the amount of its original cost plus the filling? A. No. That would be indulging in speculation.

Q. You don't think so? A. I don't think that they could get that.

Q. You think that they would get less than that? A. I certainly do.

Q. So, in your opinion, if a railroad buys a piece of property and improves it by filling that the railroad couldn't get in the market for the property what it had cost them? A. There may be exceptions.

Q. I mean as a general rule? A. As a general rule, no.

Mr. Bain: That is at this particular point, Mr. Stout?

Mr. Stout: As a general rule, he says.

Mr. Bain: I thought he was referring—

The Witness: I was trying to localize it.

Q. As a general proposition what would you say?

Mr. Bain: All over the harbor or all over the world.

Q. Shore front property in Hudson County.

Mr. Bain: Say up to Weehawken.

Q. From Weehawken down to Bayonne, would you say as a general proposition that in your opinion railroad property would not sell in the market for what it cost the railroad?

Mr. Bain: That is the original cost of the property, plus the cost of improving it?

Mr. Stout: Yes.

Mr. Bain: As a whole general proposition taking every kind of land?

Mr. Stout: Yes.

A. The question is involved. I couldn't lay down the rule.

Q. How can you lay it down in respect to this particular property sold by the New York Bay to the

Lehigh Valley? A. There are peculiar conditions existing in New York Bay and with relation to this parcel.

Q. You can't tell us as a general proposition whether that would obtain or not? A. No, there is no general rule.

Q. Could you tell us how much it would cost to fill that particular piece of land under water?

Mr. Bain: The question is objected to on the ground that according to the evidence of the witness it would not be evidence of value.

The President: I think you are right, Mr. Bain. Sustain the objection.

Q. Did you consider the sales of the Lehigh Valley to the Standard Oil Company to the south? A. The Lehigh Valley to the Standard Oil?

Mr. Bain: It is down on Constable Hook.

A. Oh, yes; I did consider that.

Q. Did you consider the land involved in that sale to be of greater or less value than the land involved in the sales to the Lehigh Valley in 1916?

Mr. Bain: The question is objected to on the ground it assumes a fact not in evidence, there is no evidence of any such sale.

The schedules we have put in, which by the way, have not been conceded by the State, show a contract for the sale of that property and not a sale.

The Witness: I didn't know he was referring to that, Mr. Bain. I thought he was referring to upland sales at $10,500 an acre which have recently taken place.

Mr. Bain: It appears there was a sale as well as a contract for sale. Which one are you referring to, Mr. Stout? I assume you are referring to the contract?

Q. I will ask the witness whether he is familiar with the contract of sale of the Lehigh Valley to the Standard Oil at Constable Hook? Do you know what the contract price per acre is for that property? A. I understand it to be $19,000.

Q. In your opinion, is the property involved in that suit more or less valuable than the lands involved in the sales to the Lehigh Valley for its terminal railway at the foot of Chapel Avenue? A. It is more valuable.

Q. Which, the Constable Hook? A. I might say I can't answer that without an explanation.

Q. All right, do it with an explanation. A. When I was valuing Greenville terminal, I got a rumor that there had been land under water sold for this sum and I naturally investigated it as being wholly out of line with normal market values, and I went to the people best able to give me this information, and I got the particulars surrounding it and learned why the Standard Oil was induced to acquire this and pay that price.

Q. Now, Mr. Morrison, why don't you answer my question. You have gone into an explanation as to why the Standard Oil, in your opinion, paid this high price. That was not my question. My question was in your opinion is the land involved in the sale of the Lehigh Valley to the Standard Oil more or less valuable than the land acquired by the Lehigh Valley at the foot of Chapel Avenue? A. I answered that, more valuable.

Q. How much more valuable?

Mr. Bain: I object to that on the ground that value cannot be determined by comparing dissimilar properties and adding something to the one and not to the other property.

Mr. Stout: I am not attempting to do that.

Mr. Bain: That is exactly the point in this question, or else the question has no point.

Mr. Stout: I am seeking to get at the knowledge of this witness as to the values of these properties. If he says it is more valuable, why, then, if he can say that it is more valuable, then I think he ought to be able to tell us how much more valuable.

Mr. Bain: What counsel for the State has done is to find out the contract price for the property the Lehigh Valley Railroad has agreed to sell in Bayonne, and he now seeks to get some information out of this witness as to the value the Lehigh Valley Harbor Terminal Railway Company's property, much farther to the north, has, by having this witness make some subtraction from the price agreed to be paid by the Standard Oil Company for the property down on Constable Hook. I submit that is not a proper method of determining values.

Mr. Stout: I want to get his ideas of difference of values in these localities.

The President: I will allow the question and overrule the objection.

Q. (Question repeated.) A. I can state that one site is more valuable than another per acre without stating the exact amount.

Mr. Bain: I might suggest to the Board, anyway the question has been answered—if the price agreed to be paid for the property at Constable Hook is of any importance the witness has said that the price is about $19,000 an acre, and he has placed a value upon this other property on the bay to the north. It seems to me that speaks for itself.

Mr. Stout: Again you are not following.

Mr. Bain: Mr. Stout, what is it you want from this witness?

The President: Let us discontinue this colloquy between counsel. I think you put a question to the witness, have you not, and have you answered?

The Witness: I believe I have.

Mr. Stout: It does not suit Mr. Bain.

Mr. Bain: May I have the answer?

Mr. Stout: He has not answered the question.

The President: I think he said more valuable.

Mr. Stout: Then I asked him how much more valuable, he has not answered that.

Mr. Bain: That is the question I object to.

The President: You may answer.

The Witness: My answer was that I can determine roughly that one site is more valuable than another without stating in dollars the difference.

The President: Well, suppose you state it roughly.

Mr. Bain: If he can state it.

The Witness: I should not care to do that without a further explanation and so on.

The President: I see.

Q. And in your opinion the property sold by the Lehigh Valley to the Standard Oil was in excess of market value? A. Yes.

Q. And what in your opinion was the market value at that property at the time of sale? A. I didn't make an examination of the property at the time of sale or a valuation of it.

Q. Did you make a valuation of it as of January 1, 1921? A. No.

Q. Then how do you know that it has sold above market value? A. From my general knowledge of the values that I have obtained from other sales.

Q. Main stem, we have two main stem tracts here, one consisting of 2.932 and one consisting of 6.682. You place the same value upon the main stem as you do upon the yards through which the main stem runs? A. I do.

Q. Taking the property in Washington Street to exterior line for piers, consisting of 30.564 acres, tell us what particular sales or sale you used in arriving at the value of that property? A. This value was placed after an investigation of as many sales as I could find that were applicable, both north and south and also to the west, together with the water front sales which have been mentioned before, and all helped me in arriving at this value.

Q. Did you consider the sale to the International Elevating Company? A. Yes.

Q. Did you consider that to be a sale at market value? A. I considered that to have been slightly above market value at the time of the sale.

Q. And what acreage did you use in determining the market value of the International Elevating Company property? A. I used an acreage of 4.396 acres.

Q. And you knew by the deed that the International Elevator got eight lots with such rights as the grantor had in the waters in front, didn't you? A. Together with the reversionary rights in the street.

Q. Could you determine just the value of that right? A. Yes.

Q. You can? A. Yes.

Q. What value did you put upon that right?

Mr. Wall: You are speaking of the reversionary rights in the street or the riparian rights as well?

Mr. Stout: Both, he said he could determine the value of those rights.

A. If I were called upon to do so, I could value those rights.

Q. Such an intangible thing as such rights as the grantor may have? A. I believe I could.

Q. Without knowing exactly what rights the grantor did have? A. I would have to know exactly what rights he had first.

Q. How could you say that sale was at market value or in excess without knowing just what rights the grantor did have? A. I base my opinion that the

sum paid, $300,000, was somewhat above market value through the statements of others and whom I believe to be telling the truth about those things, one of whom was the broker, one was the International Elevating Company, one of the executive officers, and others who knew more than I about the rights contained there, and so on.

Q. What rights were you informed they got, the International Elevating Company? A. All the rights that the American Coal Company had.

Q. What were they? A. All those that had been given them by, I believe it was Gautier, which should come from the Associates of the New Jersey Company.

Q. What right was that? A. All rights, title and interest in the upland described in the deed, the reversionary rights in the street and the land under water out to the pierhead line.

Q. In fee, the absolute right.

Mr. Wall: I object to that.

Mr. Bain: It calls for a legal construction anyway. This is not proper evidence.

Mr. Stout: I want to know what he was told upon which he based his opinion.

Q. Were you told it was an absolute fee or an absolute right? A. It was such right as ran with the kind of grant that the grantees had.

Q. Did you make any comparison between this tract and the property of the Cunard at Weehawken? A. In the broad sense of the word I did, with no direct comparison because of incomparability.

Q. You made your comparison, did you say?

Mr. Bain: May I ask whether Mr. Stout in using the word comparison in its broad sense or in the sense the word is usually used in connection with the valuation of land? It makes a real difference, broadly speaking. Taking two things in order to determine whether or not they are similar, they must be placed side by side and examined. That might be termed comparison. That is not the sense in which the word is used in determining value of land, that is comparable land. I don't know how Mr. Stout is using the word "comparison," whether in its broadest sense or in its narrow technical sense, and I think the witness is entitled to know.

Mr. Stallman: Do you mean did he use the Cunard sale as a yardstick.

Mr. Stout: As to whether he made a comparison of values between these two pieces of property.

Q. Did you? A. I have not.

Q. Did you make a comparison of values between this particular piece of property and the property of the International Elevating Company? A. Yes.

Q. You used that sale, did you? A. I used that sale in the sense that it was helpful.

Q. And, in your opinion, the land of the International Elevating Company was more valuable on January 1, 1921, than it was in 1916, at the time of the sale? A. Yes, slightly.

Q. Slightly. Can you give us any idea of the amount of increase between those dates? A. I should think the normal market value of the American Elevating Company—

Mr. Wall: International Elevating Company.

A. (Continuing.) —January 1, 1921, was in the neighborhood of $68,000 an acre.

Q. How did you get at that? A. A matter of judgment.

Q. And putting a valuation of $68,000 an acre on four and a fraction acres of the International Elevating Company property, you arrived at your valuation of $72,600 per acre for the front portion of the tract of the Pennsylvania? A. That was one of the factors that helped in arriving at the value.

Q. Why did you put a higher valuation upon the front portion of this tract of the Pennsylvania than you did on the average valuation of the International Elevating Company property? A. I felt it was more valuable.

Q. By reason of what? A. Site value and—

Q. You mean by site, location? A. Location.

Q. Anything else? A. General availability.

Q. You considered the front portion of the Pennsylvania tract the more available than the International Elevating Company property? A. I didn't value the front part alone; I recognized that this Pennsylvania Railroad owned the entire tract, so that I am not depreciating or putting a lower value because I have felt that the front part was more valuable or the back part was more valuable than the front.

Q. You didn't make up your valuation based upon the rear portion being more valuable than the front of the Pennsylvania property? A. I think I have put a higher value on the rear part.

Q. Well, why do you do that? A. Because of its location.

Q. You mean that the rear portion of the Pennsylvania tract, by reason of its location is more valuable than the front portion? A. Very suitable for different utilities, the one at the rear giving a higher value than at the front.

Q. Then you are considering some other use than a railroad use? A. I am.

Q. Although the property is adaptable to railroad use and is being used by a railroad. A. I am putting a fair market value based upon the highest use.

Q. And the highest use here in your opinion is what? A. Would be steamship use for the front portion, industrial, mercantile for the rear.

Q. So you didn't value this property as you saw it devoted to a railroad use, your valuation is placed upon a valuation devoted to some other use? A. The highest use, yes.

Q. And you don't consider the railroad use the highest use? A. I do not.

Q. Did you, in arriving at the value of the back land, use the sales of adjacent back lands? A. Yes.

Q. And were those sales the most controlling in arriving at your opinion of value? A. I think they were.

Q. Did you give it any additional value, I am speaking now of the rear portion of the terminal yard, by reason of the fact that the rear portion was tied up to shore front property, and was a part of a railroad terminal yard? A. No; I felt that the rear portion of the yard had a higher utility than water front

use, where it was removed from the water front a distance of about 1,100 or 1,200 feet.

Q. Then, you didn't value this property as railroad property devoted to railroad uses? A. I did not.

Q. Now, Mr. Morrison, I think we can jump to the tract, terminal tract Harsimus yard consisting of 98.835 acres, and I ask you whether you used the same sale or sales, the same reasoning and the same application in arriving at your valuation of this yard? A. I did.

Q. And in this terminal tract known as the Harsimus yard, are your back land valuations of the tract based upon back lands in the adjacent locality? A. Yes.

Q. Building lots? A. Yes.

Q. I think we skipped one. Go back to the Pennsylvania Railroad ferry property, consisting of 3.623 acres? A. Yes.

Q. That, in your opinion, is the most valuable shore front property along the Hudson County shore? A. No.

Q. What is your most valuable property? A. Any, you mean without any restrictions?

Q. Yes? A. I should put the highest value at the Hamburg-American Steamship Line.

Q. But of the properties here under consideration you would consider this property at the foot of Exchange Place the most valuable property?

Mr. Wall: Let us have that a little clearer; you mean of the Pennsylvania properties?

Mr. Stout: No; I mean—

The Witness: All railroad properties he has limited it to.

Mr. Stout: I mean all the properties here under consideration.

Mr. Wall: In this whole thing?

Mr. Stout: Yes.

Mr. Wall: Oh, all right.

A. No; I have put a higher unit on the ten-acre tract of the Lackawanna situated at the lower ferry.

Q. You mean the Plaza? A. That ferry property called the lower ferry.

Q. Is the depth of this property at the foot of Exchange Place an arbitrary depth, or is that the physical depth of the property? A. That is the physical depth.

Q. Did you value that by the front foot or by the acre? A. By the acre.

Q. Is that your method of valuing shore front property generally, by the acre rather than by the front foot? A. It is on the Jersey side.

Q. On the Jersey side? A. Yes.

Q. You have no particular sale or sales which you can refer to that were helpful to you in arriving at the value of this particular piece of property? A. Well, of course, the nearest sale is the sale from the American Coal Company to the International Elevating Company and I made a comparison there. I considered this better situated for an intensive use and valued it accordingly.

Q. That sale then to the International Elevating Company was the most helpful sale that you had? A. If any one sale was, why that was, I suppose, yes.

Q. Hoboken shops, consisting of 8.249 acres, what sale or sales did you rely upon to arrive at that

valuation? A. I placed reliance upon the Ocean Steamship Company sale.

Q. Did you make a comparison of values between this property and the Ocean Steamship Company sales? A. I ranked them in value, yes, comparison in that sense.

Q. So you were able to compare here a piece of property as to value consisting of 8.249 acres with a tract of consisting of 16.135 acres? A. Yes; I was able to compare them.

Q. And what shore front has the Castle Point property? A. It has a frontage of 580 feet.

Q. 580 feet? A. Frontage on the pierhead line.

Q. What is the average depth? A. Average depth is approximately 650 feet, I think.

Q. And so you were able to compare values with another piece of property which had a frontage of 540 feet and a depth of 1,310 feet? A. Yes; I was able to compare them.

Q. You didn't consider those properties to be so dissimilar that you could not make a comparison of values? A. It is no yardstick.

Q. You considered those properties to be similar enough so that you could make a comparison of values? A. That sale was helpful in that respect, yes.

Q. Won't you answer the question? A. I considered that a comparison should be made without there being an exact similarity.

Q. So you do find some properties along the Hudson County shore front that are similar enough in value to make a comparison? A. Yes.

Q. Mr. Morrison, take the main stem property involved in your appraisal of properties of the Erie Railroad Company, and tell us whether you placed the same value upon the main stem as you did upon the properties through which it runs? A. That is where the main stem is in a yard and where I valued the yard.

Q. Yes? A. Yes; that is right.

Q. That applies then to the first tract, the Kearney piece, consisting of 3.790 acres?

Mr. Bain: That is meadow property, Mr. Stout.

Q. Did you value that piece of property on the same valuation as you did the land on either side? A. Yes.

Mr. Bain: Well, bear in mind that is not a piece of main stem running through a terminal yard.

Mr. Stout: I know it.

Mr. Bain: He valued them according to the value of adjacent land, is that what you mean?

Mr. Stout: Yes.

Q. You added nothing for continuity?

Mr. Bain: Of the whole main stem of the railroad or of this particular parcel?

Q. This parcel being tied up to other parcels of the main stem that was contiguous— A. No, no extra value because of this long—

Q. Because it was tied together and used together. A. In other words, I tried to arrive at the railroad use value: no. I did not.

Q. And you didn't take into consideration that a railroad in acquiring it might have been compelled to pay more than the value of adjacent lands by reason of the damage which was done to the adjacent lands? A. No; I didn't consider that, that I ought to add those consequential damages in arriving at the fair market value of the land.

Q. Now, the next tract, main stem in Jersey City, consisting of 6.257 acres and the next tract consisting of .924 acres, do those tracts or portions of main stem run through the terminal yard of the Erie Railroad? A. The first one does, the second does not.

Q. The first one does? A. The first one does, yes.

Q. And you valued that upon the same valuation as you would place upon the adjacent land? A. Yes.

Q. Is that so of the next? A. Yes.

Q. Whether the adjacent lands were in the ownership of the railroad or the ownership of others? A. That is right.

Q. The next tract, consisting of 16.55 acres, any particular sales you used to arrive at the valuation of $70,500 an acre? A. No, no particular sale directly comparable.

Q. You didn't find any sale of property similar enough to compare with this as to value? A. No one sale, no.

Q. So that is purely your judgment? A. Based upon all the data that I had.

Q. The next tract, consisting of 67.830 acres, any particular sale or sales you used in arriving at this valuation? A. No, no one sale helped me more than the others.

Q. Is that so in respect to the next tract, consisting of 2.816 acres? A. Yes.

Q. And the next tract, consisting of 3.164? A. Yes.

Q. You have subdivided those properties, have you not? A. Considered them as in one ownership, but in placing my value I have—

Q. Cut it up into zones? A. I have absorbed the special value that the tract had by reason of its frontage on the Hudson River in my value as stated, so that the values that I have placed on the frontage absorbs that special value, that special frontage value of the water front. I think I have taken a distance back of 1,400 feet.

Q. You have divided these various tracts for the purpose of making an appraisement, haven't you? A. Yes.

Mr. Bain: Only one, I think, that it is the major portion north of Pavonia Avenue.

The Witness: That is correct.

Mr. Bain: In the rest all the divisions are the State Board's divisions.

Mr. Stout: I see.

Q. Did you consider that this property was all in one ownership and was used and should be used together as one tract? A. Yes, sir.

Q. Did you add anything by reason of that to the value? A. The whole value is expressed in my figures.

Q. How can you take a particular piece, cut it up in order to arrive at your valuation of that particular piece, and then say that because the whole three pieces were used together you added something by reason of its being in one common ownership and assembled together? A. I didn't say that.

Q. Did you add anything to the particular tract by reason of the fact that it was assembled with other pieces of property in the same use?

Mr. Bain: Add anything to what?

Mr. Stout: To the value which he placed upon it.

Mr. Bain: He has only stated one value, how could he add anything to that one value? The question is confusing.

Mr. Stout: Well, let's put the question this way.

Q. In arriving at your valuation of the first tract here under consideration of $67,830, did you in arriving at your valuation of this tract add anything or increase your valuation of that particular tract by reason of its being assembled or used in conjunction with the other two tracts? A. I have put greater value on each of the separate pieces because they were in one ownership.

Mr. Bain: Than you would have if they were separate?

The Witness: If they were separated and as if the State Board's lines meant ownership lines.

Q. Then, why didn't you value all as one tract?

Mr. Bain: The question is objected to on the ground we are called upon to produce evidence as to value of these parcels as assessed and not to produce evidence as to value in disregard of the parcels as assessed by this Board.

The President: The objection is overruled, the question may be answered.

(Question repeated.)

Mr. Bain: He is referring to all of these terminal parcels of the Erie Railroad and the Long Dock.

A. I did value it as one tract, but I had to express my value in a manner which is understandable.

Q. Take the next tract, consisting of .560 acres in Kearny, main stem, the next consisting of 27.748 acres, main stem in Kearny, your valuation is based upon the valuation of the adjacent lands? A. Yes.

Q. Nothing added for continuity? A. Nothing added.

Q. Nor what it would cost to acquire this strip of land from the adjacent owners? A. I have not considered that.

Q. Take these several tracts on which you have placed a valuation of $500 an acre, and tell us how you arrived at that valuation?

Mr. Bain: Speaking of the main stem across the Hackensack meadow.

Mr. Stout: Well, this land outside of the main stem, he has got a lot of them valued at $500.

Mr. Bain: It all refers to Hackensack meadow property.

A. I tried to get as many sales as I could of this property. There have not been a great many sales in recent years, that is within the last year or two, but I have gotten sales when there was some activity there, and arrived at my judgment that there was normally $500 an acre.

Q. Do you consider these lands to be more valuable as of January 1, 1921, than they were ten years ago?

Mr. Bain: I object to that on the ground that the question is incompetent, irrelevant and immaterial. What difference does it make what value these lands had ten years ago? The Supreme Court held in the case of the Erie Railroad Company against the Borough of East Rutherford the price the company paid for land in 1909 was not controlling.

Mr. Stout: I didn't say it is.

Mr. Bain: In fact no evidence of value, too remote.

The President: It would seem so.

Q. What particular sale did you rely upon in arriving at these valuations of $500 an acre? A. I relied on no one sale, and all I can do is to give you the sales, all of them that I have, and state that they were all given consideration where they were applicable.

Q. Any of these sales of right of way? A. I think not.

Q. And when were those sales made? A. 1916, 1916, 1917, 1917, 1917, 1911, 1920, 1911, 1912, 1915, 1911, 1910, 1917, 1917, 1921.

Q. What is the source of your knowledge in respect to those sales? A. I got these sales largely from the brokers who had made them.

Q. Did you examine the properties involved in them? A. Yes, I have.

Q. All of them? A. I have.

Q. And do the selling prices as shown by those sales show a higher or lower valuation than $500

an acre? A. They indicate $500 an acre is the fair market value.

Q. You added nothing here for continuity for the reason of the fact that the railroad might have had to pay something in addition, above the market value of the particular tract in acquiring this main stem? A. I have not considered its cost of reproduction.

Q. Do you think cost of reproduction is an element in arriving at the value of a piece of railroad property? A. It is not a fair way.

Q. Do you think it is an element to be considered?

Mr. Bain: Are you referring to legal rule?

Mr. Stout: Yes.

Mr. Bain: Well, if this witness knows of any decisions on the subject I have no objection to his stating them.

Mr. Stout: I don't mean the legal rule, I mean, does he consider cost or cost of reproduction in arriving at his valuation?

A. I have been governed in that by the Supreme Court decisions.

Q. Do you consider them or not? A. I don't consider it a fair way of arriving at the market value.

Q. Do you consider it an element in arriving at market value?

Mr. Bain: You mean, it is a matter to be considered?

Mr. Stout: No.

Mr. Bain: What do you mean by element.

Mr. Stout: Is it one of the elements which he takes into consideration in arriving at value?

Mr. Stallman: Which governs his conclusion.

Mr. Bain: That is what I said, is it a matter to be considered?

Mr. Stout: Yes.

Q. What do you say? A. It is.

Q. Mr. Morrison, will you tell us how you arrived at the valuation of the various pieces of property of the Lehigh Valley Railroad Company here under consideration? A. My method of arriving at the fair market value is the consideration of adjacent and adjoining similar lands where they were available.

Q. Did you have any particular sale or sales that you could use as a basis of determining value of these lands of the Lehigh Valley. Can you answer the question? A. It is a little difficult to answer, I don't think so.

Q. Did you in placing your valuation upon the main stem property of the Lehigh Valley Railroad Company here under consideration use the valuation of the lands through which the main stem ran or runs? A. Yes.

Q. No higher or lower than the adjacent land? A. That is where they were the owners also of that land.

Q. When they were not owners, did you put a higher or lower value? A. Then I had to suit the value to the conditions as they existed.

Mr. Wall: May I ask why it is really necessary to go through with the method of valuation as to each railroad and as to each parcel? Why isn't it a fair thing to limit the cross-examiner to asking the general method of valuation if he wants to point out any par-

ticular thing, but the method that Mr. Stout is following is to ask the same questions with reference to each railroad. Doesn't he get it all when he says, "What is your method of ascertaining the market value?"

The President: I think my brother Jess had a thought on that same subject this morning. He suggested something by way of transposition, I think in the method.

Mr. Wall: The difficulty with this method is that it really deprives some of us who cannot be here, of an opportunity to take part in the proceedings because it takes so long.

Mr. Stout: That is just what I was trying to do, I was trying to put all the main stem together and get rid of it, and find out just what his valuations were. A complication sets in right away. The main stem which runs through the lines of the railroad, that is all right, he says that has the same value as the land on either side, but when the main stem runs through the lands of others, he says he has no other consideration.

Mr. Bain: I think it has a consideration. The other considerations are simply these, as I take it, that when the main stem is in a large terminal tract he applies the same value to the main stem as to the valuations of the terminal tract.

The Witness: That is correct.

Mr. Bain: When the main stem is outside of the terminal tract, the values of the adjacent lands along the long strip of main stem differs in different places, and he applies the

values of the adjacent land to the adjoining main stem.

The Witness: That is correct.

Mr. Stout: If the Board please, if you are of the opinion that I am taking too much time in this cross-examination, and this review is being had to enlighten you, I most respectfully request that some member of the Board take up the examination. This is the first time that I have been over these properties and I surely am not as conversant with them as the Board, I think if under the act it may be the duty of the Board to conduct the examination, because the statutes provide that the Board may subpoena witnesses and examine them, I should be only too glad—

Mr. Jess: I am not sure it would be very much shortened, Mr. Stout.

Mr. Stout: I suggest this, that Mr. Jess, if that is agreeable to the Board, take up this examination.

Mr. Jess: I don't think there is any idea of criticizing Mr. Stout nor limiting the cross-examination at all.

Mr. Stout: I would like to expedite it, I want to get all the facts out if I can for the Board.

The President: Surely, I agree with Mr. Jess that whatever has been said by the Board has not been by way of criticism.

Mr. Stout: Oh, no.

The President: I think with this object in view of expediting the hearing we have no great amount of time left and it strikes me

we may be required to hold night sessions. I don't think seriously, Mr. Stout, we could supplement or improve your method by any means.

Q. Mr. Morrison, taking the land of the Lehigh Valley Railroad Company contained in your appraisal, which land lies outside of the main stem, were there any particular sales that you relied upon in making the valuation of any of this property? A. Could you name one tract, I don't recall just—

Q. Take the tract consisting of 38.380 acres.

Mr. Bain: That is the Tidewater Basin.

A. The Tidewater Basin outside of the main stem was a special study and a special consideration. They are tied up to no one sale. Very little, if any help was obtained from sales since there are no sales in the least comparable to that property, and it had to be largely a matter of judgment there.

Q. Well, have you any tract of land in your appraisal which you relied upon, a particular sale or sales? A. I can say this, that where the Lehigh Valley owns property outside of the main stem, it is largely third class, so that I have not had much occasion to value Lehigh property outside of the main stem, except that point first mentioned at the basin. I don't think there are any parts except that basin.

Q. Well, you consider third class property located the same as second class property and developed to the same extent to have a different value than second class? A. No, I didn't mean that, I meant the Lehigh Valley is in the first and second class, has very little land outside of the main stem except at the

Tidewater Basin, as far as I recall, but in the third class they have plots of land where I am called upon to value and where they are I apply the sales of industrial land, it happens to be industrial land because the plots are in an industrial section, and there I have sales that have helped me to a considerable extent.

Q. Do you have any sales of shore front property which you used to determine the value of any of these lands of the Lehigh Valley? A. It is largely a matter of judgment in those cases, Mr. Stout.

Q. All of these appraisements are largely your judgment? A. Those parcels on the Tidewater Basin to which you refer.

Q. How is it in respect to the other parcels involved in your appraisal? A. I have gotten more help from sales at other points than there.

Q. Indicate a valuation where sales were helpful in the main stem property? A. Not in this appraisal, because you will have to wait until the third class comes.

Q. So, you would say that your valuations of the properties of the Lehigh Valley involved in your appraisals were based solely upon your judgment? A. Outside of the main stem.

Q. Outside of the main stem? A. Yes.

Q. Your valuation, Mr. Morrison, referring now to the Lehigh Valley, there is one property there I would like your opinion on, consisting of 88.365 acres, I think it is, known as the Black Tom tract, your valuation is $13,200 per acre. Is that valuation purely your judgment or did you use sales in arriving at the valuation? A. I think you have the wrong sheet, I don't think that is my sheet, that is Mr. Ryer's sheet.

Q. Well, answer the question. A. I have a value of $15,000 an acre.

Q. Is that valuation based solely upon your judgment or have you sales of comparable property to help you in arriving at your valuation? A. That would be largely judgment, formed on the basis of my judgment, and so on.

Q. In valuing the properties of the Central Railroad Company here under consideration, other than the main stem, did you rely upon your judgment rather than upon the sales of shore front property? A. I think my judgment was more helpful than any sales I had.

Q. Can you point to any particular sale that was helpful? A. No, I cannot.

Q. So then your valuation is purely your judgment? A. That would be so.

Q. And, as to the main stem, your valuations were based upon the value of the adjacent lands when the adjacent lands were owned by the railroad? A. Yes.

Q. And when they were not owned by the railroad upon the valuations of each piece of property as you continue along the main stem? A. Yes.

Q. Added nothing for continuity or cost of acquisition? A. No, nothing for railroad use.

RE-DIRECT EXAMINATION by Mr. Bain:

Q. Mr. Morrison, you stated in reviewing these railroad terminal lands you valued them according to their highest use, how did you determine the highest use? A. By observation and inspection and my judgment.

Q. Speaking of the water front lands in Jersey City and Hoboken, what did you determine to be the highest use? A. Steamship use for the water front.

Q. What was there to indicate that fact? A. The fact that steamship use would fit favorably on the site and would pay more than other uses.

Q. Isn't it a fact that steamship companies usually occupy the most desirable water front properties? A. That is true.

Mr. Stout: I object to these questions as leading.

Q. What can you say as to whether or not steamship companies usually occupy the best water front property?

Mr. Stout: That is the same question.

Mr. Bain: No, it is not.

Mr. Stout: Practically the same.

(Question read.)

Mr. Bain: I think the last question has the sanction of the courts.

Mr. Stout: I will withdraw the objection.

A. I find in the Port of New York such is the case.

Q. What can you say as to whether the prices paid by steamship companies for water front property indicate that the uses for property for steamship purposes is the highest use?

Mr. Stout: I object to that, if the Board please. There is nothing to indicate whether somebody else would not pay as much or more for it.

Mr. Bain: I think the steamship companies have paid the highest prices.

Mr. Stout: You might think that.

Mr. Bain: I am asking what the witness thinks.

Mr. Stout: I object to it as being an improper question as to whether steamship companies pay more for property than other classes of people.

Mr. Bain: It is re-direct examination based upon the cross-examination by Mr. Stout as to whether the witness valued these lands for their highest use, and whether he considered the value for railroad use. I submit it is proper examination.

Mr. Stout: Here we have along the Hudson County shore front two or three properties that have been sold for steamship purposes. Now, who knows whether they would pay more for that property than somebody else.

Mr. Bain: What I want to show is—

The President: Well, you may answer the question, Mr. Morrison. I will overrule the objection.

A. I find from all the data I have in regard to water front uses in the Harbor and Port of New York on the Jersey and New York side, Brooklyn and Staten Island indicate that steamship companies will pay more for the same class of property than anyone else will pay, any other utility.

Q. I think you said that in valuing these railroad terminal lands you didn't value them according to their value for use for railroad purposes. In your opinion is it possible to determine the value of any one or more of these parcels of land for use for railroad purposes? A. No, I can't do that.

Q. Why not? A. Because the value, the railroad value, the value of these lands to the railroad is determined by the return that the railroads can get on

the land involved, and there is no way of determining their return on this land and allocating a portion of their net earnings if such there be to the land or any part of the land.

Q. That is, even though you could ascertain the profits of a railroad company owning a long line of railroads with terminal, rolling stock and all the rest of it, you could not allocate any part of those earnings to any particular piece of the property? A. I could not.

An adjournment was here taken until Thursday, January 26, at 9:30 A. M.

Ninth Day.

Trenton, N. J., Thursday, January 26, 1922.

Present:

Mr. Baker, president; Mr. Mutchler, Dr. Barber.

(Note: The president directed that the hearing proceed with the above members of the Board sitting, Commissioners Jess and Margerum having been designated for the hearing of appeals from the action of the Camden County Board of Taxation at Camden.)

Appearances as before noted.

Case resumed pursuant to adjournment.

CHARLES W. MORRISON resumes the stand.

Re-direct examination by Mr. Bain:

Q. Mr. Morrison, when you were engaged in appraising these railroad terminal lands for the Interstate Commerce Commission, were you instructed by your superiors as to the rules by which the value of property is to be determined as laid down by the decisions of Courts?

Mr. Stout: I object to that as being immaterial whether he was instructed or not.

Mr. Bain: I think it is important to know whether the witness has had information as to legal rules for valuing property.

Mr. Stout: The question, it seems to me, is as to whether he valued this property according to legal rules, instructed or not instructed.

Mr. Bain: I think I have a right to find out whether he knows the rules before I can ask him whether he valued the property according to the rules.

Mr. Stallman: That only requires a yes or no answer.

The President: I think I will allow that.

A. I did.

Q. Including the rules laid down by the United States Supreme Court in the Minnesota rate cases? A. Yes.

Q. What values were you instructed to ascertain? A. The fair market values.

Q. Under the rules that you have mentioned? A. Under those rules.

Mr. Stout: I object to all this.

The President: What is the purpose of this, Mr. Bain?

Mr. Bain: The purpose is to prove that this witness has real substantial information as to the proper rules for the valuation of property.

Mr. Stout: I think that that is to be gathered from his testimony, not for him to sum it up as to whether he had proper instructions or not.

Mr. Bain: The testimony is as to what he has done.

Mr. Stout: Yes, and it is for the Board to determine whether he has followed the rules.

Mr. Bain: I submit that my question is proper.

The President: You may answer.

Mr. Stallman: He did answer.

Q. Are the values of these railroad terminal lands as stated by you the same as you made and reported to the Interstate Commerce Commission?

Mr. Stout: I object to that as being immaterial as to whether he gave it to somebody else.

The President: Sustain the objection.

Q. I understood you to say that you had valued certain of these railroad terminal lands for the Interstate Commerce Commission, is that true? A. That is correct.

Q. Did you make a report of your values to that Commission? A. I did.

Q. Is there any reason why you should not say at this time whether or not the values that you have stated in this case are similar to the values you reported to the Interstate Commerce Commission?

Mr. Stout: I object to that question on the ground that it is immaterial as to what values he reported to the Interstate Commerce Commission. He has also testified that the values were higher in the summer, spring and summer of 1920, than they were at the time he was valuing this property for the Interstate Commission.

Mr. Bain: I understood that that was about the time he was making his valuations for the Interstate Commerce Commission. Am I not right, Mr. Morrison?

The Witness: That is correct.

Mr. Stout: Well, I rely then upon the first part of my objection.

The President: Repeat the question, Mr. Stenographer.

(Question read.)

The President: And that was followed by your objection, Mr. Stout?

Mr. Stout: My objection is whether they are the same or not the same is immaterial.

The President: Sustained.

Q. Are the values that you have stated in these cases the same as those reported by you to the Interstate Commerce Commission?

Mr. Stout: I object to that for the same reason, immaterial.

The President: I don't think the question is pressed, is it?

Mr. Bain: I do. I have asked the question. I press it.

The President: Sustained.

Q. Is there any substantial difference between the values that you have stated in these cases and the values you reported to the Interstate Commerce Commission?

Mr. Stout: I object, for the same reason.

The President: Sustained.

Q. It might be inferred from an answer by you to a question asked by Mr. Stout that you relied upon your judgment rather than upon sales in making your appraisals of the property involved in these cases. Did you consider the sales of water front properties?

Mr. Stout: I object to that, may it please the Board. The witness has testified time and time again that he did consider all the sales.

Mr. Bain: Well, then, there is no objection to his answering the question again.

Mr. Stout: If you want to fill up the record with that kind of stuff.

The President: That is about all.

Mr. Bain: I think the question is a proper question on re-direct examination.

A. I considered all these sales in forming my judgment.

Q. You have stated, I think, that the railroad terminal lands under consideration are not comparable with the lands involved in the sales of water front property that have been mentioned in these cases. In what sense did you use the word "comparable"? A. Comparable physically.

Q. And also in location? A. Of course, that is included in the sense of "physically."

Q. In the broad sense of the word "compare"? A. you place these water front properties sold with the properties under consideration?

Mr. Stout: I object to that question unless—

Mr. Stallman: Wait until he finishes his question.

Mr. Stout: Pardon me.

Q. And note their distinguishing features?

Mr. Stout: I object to that on the ground that counsel should define what he means by comparable in the broad sense.

Q. Mr. Morrison, in order to compare anything, any two things, you have to consider both of them, don't you? A. Yes.

Q. In the broad sense of the word "compare"? A. As I understand it.

Q. And that is what you understand the broad sense of the word "compare" to be? A. I do.

Q. And in that sense of the word "compare," did you compare the water front properties under consideration with the properties sold? A. I did.

Q. Are you familiar with the conditions which prevailed during the years 1919, 1920, 1921, with regard to the demand for shipping terminals in New York Harbor? A. I am.

Q. What is the source or what are the sources of your information?

Mr. Stout: I object, may it please the Board, that this is not re-direct examination.

Mr. Bain: Counsel on cross-examination went into numerous sales and the reasons for numerous sales of water front properties. I submit this is proper re-direct examination. I also desire to have it noted upon the record that the suggestion that that is not so came from Mr. Dunham.

The President: Well, I think there has been considerable latitude given to you men. I hardly think that that—

Mr. Stout: I would also like to have it noted on the record that Mr. Stallman was prompting Mr. Bain, if you want to get picayune.

Mr. Stallman: Mr. Stallman is counsel for the railroad.

Mr. Stout: And Mr. Dunham is an expert here for the State.

Mr. Bain: Now, let's have the question; if there is any objection we would like to know it.

The President: Repeat the question.

(Question read.)

The President: Sustain the objection.

Mr. Wall: Sustain the objection?

The President: Yes.

By Mr. Wall:

Q. Mr. Morrison, you made a statement in answer to one of Mr. Stout's questions with reference to the highest available reasonable use for the character of property that you were testifying to, and you also said that the steamship use was the highest available, reasonable use. What reasons, if any, have you for saying that steamship use is the highest available reasonable use for water front property of the character that you were testifying to? A. There are two—

Mr. Stout: I object on the ground that the witness testified at length yesterday to a similar question. If you want to go ahead with it—

Mr. Wall: Well, this question of Mr. Stout's was devoted to the same inquiry—Mr. Bain's question was devoted to the same inquiry.

Mr. Stout: Then I would further object that we were over it yesterday.

The President: It isn't re-direct. Sustain the objection.

Mr. Stallman: I want to ask Mr. Morrison a question.

By Mr. Stallman:

Q. I understood you to say yesterday in answer to certain questions of Mr. Stout on cross-examination that your investigation disclosed that the peak of prices for water front properties occurred sometime after January 1, 1920, and possibly as late as the summer of 1920. Am I correct in my recollection of your testimony? A. Yes, you are.

Q. Yes. Now, on what facts did you base the statement that the high peak of the prices for water front property was reached during the spring or summer of 1920?

Mr. Stout: I object to that. The witness has already testified as to his reasons.

Mr. Stallman: Why, I submit that where counsel on cross-examination interrogates the witness on a point which wasn't raised on the direct-examination, it is a cardinal rule of law that on re-direct examination that particular phase of his testimony may be re-examined. Certainly there is no topic which may be discussed in examination only by one counsel. I never heard of a practice of that kind, and I certainly asked him no question, neither did any of my colleagues on that point.

Mr. Stout: I still insist that the witness has given his reasons for stating that the peak of values were in the spring and summer of 1920.

The President: Sustain the objection.

By Mr. Bain:

Q. Mr. Morrison, you have testified to the purchase by the Cunard Company on your cross-examination by Mr. Stout, did you not? A. Yes.

Q. Are you familiar with the conditions which led up to that purchase? A. Yes.

Q. What is the source of your information, or what are the sources of your information?

Mr. Stout: May it please the Board, we went into this on cross-examination and Mr. Morrison was given the opportunity to state fully what he knew about that sale and the conditions surrounding the sale.

Mr. Bain: Do I understand that counsel for the State seriously states that he went into a particular question on cross-examination and now he objects to re-direct examination upon that particular question?

Mr. Stout: My idea of the situation is this: That respective counsels for the railroads produce the witness and offer in evidence a statement or appraisal of the values of the properties under consideration, and that statement or appraisal is offered and received in evidence, and I take it that all the sources of knowledge and applications, reasoning, and so forth, are presented by counsel when they present their case in this way, and that they can't now go

into a field on re-direct examination which was open to them on their original examination.

The President: You objected to that, Mr. Stout, did you?

Mr. Stout: Yes.

The President: Sustained.

Q. Do you know of any particular reasons why the Cunard Company in the year 1920 purchased a new terminal in Weehawken?

Mr. Stout: I object to the question for the same reasons. It seems to me that if counsel wanted to establish these facts it should have been done on direct-examination. They sought the course of putting in these appraisals instead of having the witness testify as to the value of the properties and the sources of his knowledge, and I think that they are bound by their procedure.

Mr. Bain: I think Mr. Stout is mistaken as to the proper course of procedure or examination on that course of procedure.

The President: Sustain the objection.

Q. You referred upon cross-examination to the purchase by the Luckenbach Company of some water front property on the Hudson River. Do you know of any conditions which led up to the purchase of that property? A. I do.

Q. Will you please state those conditions?

Mr. Stout: Same objection as heretofore.

The President: Sustained.

Q. There were also some other sales of water front property along the Hudson River in the years 1919

and 1920. Are you familiar with the conditions which led up to those purchases? A. I am.

Q. Will you please state them?

Mr. Stout: Same objection.

The President: That objection is sustained.

Q. Do you know of any conditions, special conditions, which are reflected in the prices paid for water front property along the Hudson River in Hudson County in the years 1919 and 1920? A. I do.

Q. Will you please state those special conditions?

Mr. Stout: I object on the ground—

The President: Sustained.

Mr. Stout: —that it isn't proper re-direct examination.

Q. Was there any activity in the demand for water front property along the Hudson River and New York Bay in the years 1919 and 1920? A. There was.

Q. Will you please state what that demand was?

Mr. Stout: Not proper re-direct examination.

The President: Sustained.

Q. You have stated or referred to numerous sales of water front property along the Hudson River and New York Bay between the years 1916 and 1920. Are you familiar with the conditions which led up to those sales? A. I am.

Mr. Stout: Not proper re-direct examination.

The President: Sustain the objection.

Mr. Bain: I think the question was answered before the objection was made, and I now follow that question by another one.

Q. Will you please state those conditions?

Mr. Stout: I repeat the objection.

The President: Sustained.

Q. Are you familiar with the activity in shipping from New York Harbor during the years 1919 and 1920? A. I am.

Q. Will you please state what that was?

Mr. Stout: Objected to for the same reason.

The President: Sustain the objection.

Q. Are you familiar, Mr. Morrison, with the purchase by the Cunard Company of a new terminal in Weehawken? A. I am.

Q. I think you said that you considered that sale in making your valuations? A. I did.

Q. What did that sale indicate to your mind? A. It indicated to my mind a peak of price that a shipping concern would pay for land in that vicinity.

Q. What can you say as to the availability of the Cunard property for use for steamship purposes? A. It has good availability.

Q. And in your judgment is that availability reflected in the price paid by the Cunard Company? A. It is.

Mr. Stallman: May I interrupt your examination, Mr. Bain, right at that point?

By Mr. Stallman:

Q. In that connection, Mr. Morrison, did you ascertain, or do you know what the depth, natural depth of water is in front of the Cunard property? A. Yes. It is approximately 40 feet.

Q. And is that substantially different from the depth, natural depth of water in front of the railroad terminals of these railroad companies in Hoboken and Jersey City? A. They all have deep water at the pierhead.

Q. Well, is it 40 feet? A. I think it varies somewhat with different terminals. I will have to refer to a map for accurate depth there.

Q. What I was getting at was this: Does a difference in depth of water, for instance, say as much as ten feet, or a difference between 40 feet depth of water and 30 feet depth of water in front of properties which might be otherwise similar—would that affect their market price? A. That might affect their market price if 40 feet were better for the purpose to which the property was going to be put than 30 feet.

Q. Well, is 40 feet a better depth for large steamship use? A. For steamship use, yes.

Q. And for steamship use would a property having 40 feet depth of water have a greater market value, other conditions being equal, than a property having 25 to 30 feet? A. Yes.

Q. Could you give us any idea what that difference would be, in percentage? A. No. It would depend on the size of the property, and the total price.

By Mr. Bain:

Q. I think, Mr. Morrison, you stated in answer to a question of Mr. Stout, that the sale of the

Blair property on New York Bay to the Lehigh Valley Harbor Terminal Railway Company was in some sense a forced sale. Just what did you mean by that, if anything? A. Well—

Q. That was a sale—

Mr. Stout: Well, just a minute. Let the witness tell.

Mr. Bain: All right.

Mr. Stout: It is improper, but I am not going to object to it any more.

A. As I understand, it was a sale by the mortgagee. In the sense that a mortgagee doesn't generally want to hold the property which he takes on foreclosure indefinitely, it would be called a forced sale, but in the sense that the Lehigh Valley Railroad stood ready there at that particular time it made it a very advantageous thing for the mortgagee.

Q. You didn't mean to say that the mortgagee was compelled to sell? A. Certainly not.

Q. And you don't so state, do you? A. I do not

Q. In answer to a question of Mr. Stout, you said that the price paid, or agreed to be paid, by the Standard Oil Company for some property which it purchased from the Lehigh Valley Railroad Company, or one of its subsidiaries, on New York Bay, at Constable Hook, in Bayonne, was excessive in your opinion. Why do you consider that price excessive? A. Comparing that with the rest of the evidence of property in New York Bay, I should say that the price represented a peculiar situation which later developed to be true under testimony by Mr. Koehler, of the Standard Oil, and other evidence presented before this Court, this Board, and at other

hearings. The whole facts are that Constable Hook has been developed by the Standard Oil Company. During the war emergency, they felt that they ought not to limit their holdings in any way. They can use the Kill van Kull in connection with this property, which of course is not the case with lands in New York Bay. It has a peculiar use to the Standard Oil, although they didn't consider the price at all. It was a matter of getting the property, and as usual with the Standard Oil it was a secondary consideration and cannot be said to represent fair market value for this land that they bought, or for any other land adjacent to it.

Q. Is it a fact, Mr. Morrison, that the price in that instance was much greater than the prices paid for water front on New York Bay? A. Much greater.

Q. That is, south of the Jersey City line? A. Yes.

Q. And to some extent north of the Jersey City line? A. Yes.

Q. And the property purchased in that case adjoined the land of the Standard Oil at Constable Hook? A. It did.

Q. You say that the property purchased by the Standard Oil Company from the Lehigh Valley adjoined the plant of the Standard Oil Company? A. Yes, it did.

Q. Well, was there any other piece of property in between? A. Only such property as they had control of.

Q. Or had contracted to buy? A. Or had contract or option.

Q. In valuing the Tide Water Basin of the Lehigh Valley Railroad Company in Jersey City, did

you consider the channel running through that property? A. Yes, I did.

Q. How did you consider the channel? A. I considered the channel—you refer, as I understand it, to the main—

Q. To the 150-foot channel which the company is compelled to keep open. A. And at the Tide Water Basin, the large Morris Canal Basin and the 38-acre tract at the end of the main stem?

Q. That is the tract immediately abutting on the river? A. Yes, having a frontage on the Hudson River.

Q. A large basin on the river through which there runs a 150-foot channel. A. I considered that channel 150 feet wide as dividing the property of the Lehigh Valley, so that it is impossible to provide a unit improvement on that property such as would be needed by the steamship use which I have said would be the best use. This limits the value of that tract to a serious extent.

Mr. Stout: Well, may it please the Board, I strenuously object to any further examination along this line. The witness has testified in respect to these pieces of property that his valuation was based upon his judgment. I think that we can begin to see the Italian hand of the opposition that by pursuing the method that they have in putting these appraisals in, and having counsel for the State examine the witness, they practically want now to cross-examine him upon the evidence produced on his cross-examination. It isn't fair. If the counsels for the railroads

desired to find out how the witness arrived at his valuations, that opportunity was offered to them before he was turned over to examining counsel for the State. I think it is eminently unfair. In other words, they want to make the State the appellant, and they themselves are the appellants.

Mr. Wall: Well, now, instead of taking up the time of the Board asking a number of questions and then having them ruled out as they have been, may not we have the record show we oppose Mr. Stout's definition of what our rights are and then having any of our questions along that line ruled out *en bloc*. Do I make myself clear? He has stated a certain disposition which should govern all subsequent questions along the line that he has indicated, and he said that it is unfair to follow that line. Now, I am saying that instead of our asking a great number of questions and getting separate rulings on them, if you are satisfied, sitting here alone, as you are, with Dr. Barber—if you are satisfied that his contention is correct, why can't we have an objection to his idea, if you are going to rule it out; that is all.

The President: You may.

Mr. Wall: We may have such an objection?

The President: Yes.

Mr. Bain: I take it then that I am not at liberty to have any further re-direct examination of this witness along this line.

Mr. Stout: Along this line.

The President: Along the lines you have been pursuing.

Mr. Bain: Well, the lines that I have been pursuing have been re-direct based on cross-examination, and I take it therefore that I am now prevented from following that line.

The President: Why, I am inclined to say that you are.

Mr. Wall: And that ruling is with reference to all the railroads?

The President: Yes. I cannot see what we would have to gain by your pursuing that particular line of what you term to be re-direct examination followed by an objection by Mr. Stout, followed by my sustaining the objection. I hardly think Mr. Stout could change his attitude.

Mr. Bain: I am through with this witness then. There is nothing more for me to do.

Mr. Wall: We are all through.

Mr. Bain: We rest, so far as this witness is concerned.

Mr. Stout: I think, may it please the Board, that if counsel desires to go all over this testimony again, why we will permit it.

Mr. Stallman: We have had a ruling now.

Mr. Stout: On looking ahead, I think I am right in my position, but I wouldn't want this case to be upset above by reason of my making an objection at this time.

Mr. Bain: Well, now, I submit that it isn't proper to indulge in such objections after a

series of questions have been asked and then attempt to force me to go all over that ground again. Either the objection was good when it was made, or it wasn't good. Counsel ought to know it, and he ought to stand on it now in one way or the other.

Mr. Stout: Well, I am going to withdraw my objection.

The President: In their entirety?

Mr. Stout: Yes. If counsel want to rehash this, let them have the privilege.

Mr. Wall: How does the Board feel about that?

The President: Well, that means a complete reversal, doesn't it, of the policy, of the attitude the Board has assumed with regard to your objections. I am inclined to think, Mr. Stout, that the matter ought to stand as passed upon.

Mr. Stout: Very well. We haven't a lawyer sitting on the bench today and he might have a different idea than I on these objections, and I don't want to put the record in a shape that there might be error in it by reason of having these objections sustained.

The President: Well, do you recall any experience when any such situation arose—

Mr. Stout: Oh, yes.

The President: —like the present one? Mr. Jess usually has a former ruling on those things at his fingers' ends. Unfortunately he is not here. However, if it is the judgment of the attorney for the State that those questions ought to be put by the

counsel for the railroads and answered by the witness, resulting in a complete reversal I think of the attitude of the Board, I think it is a matter in the ultimate analysis that you control, and it will be permitted.

Mr. Bain: I should like to know what particular questions or what particular line of testimony counsel for the State will now permit us to engage in.

Mr. Stout: I withdraw all my objections I made to the examination that you have made this morning.

Mr. Bain: Now, Mr. Stenographer, will you start at the beginning and repeat each question asked this witness and wait for his answer?

Q. (Question read as follows): "Are the values of these railroad terminal lands as stated by you the same as you made and reported to the Interstate Commerce Commission?" A. Substantially.

Q. (Question read as follows): "Is there any reason why you should not say at this time whether or not the values that you have stated in this case are similar to the values you reported to the Interstate Commerce Commission?" A. No.

Q. (Question read as follows): "Are the values that you have stated in these cases the same as those reported by you to the Interstate Commerce Commission?" A. Substantially.

Q. (Question read as follows): "Is there any substantial difference between the values that you have stated in these cases and the values you reported

New Jersey State Library

to the Interstate Commerce Commission?" A. No.

Q. (Question read as follows): "It might be inferred from an answer by you to a question asked by Mr. Stout that you relied upon your judgment rather than upon sales in making your appraisals of the property involved in these cases. Did you consider the sales of water front properties?" A. Yes.

Q. (Question and answer read as follows): "Are you familiar with the conditions which prevailed during the years 1919, 1920 and 1921 with regard to the demand for shipping terminals in New York Harbor? A. I am. Q. What is the source or what are the sources of your information?" A. My familiarity with this demand through contact with shipping interests and with properties sought for by those shipping interests.

Q. (Question and answer read as follows): "Mr. Morrison, you made a statement in answer of one of Mr. Stout's questions with reference to the highest available, reasonable use for the character of property that you were testifying to, and you also said that the steamship use was the highest available, reasonable use. What reasons, if any, have you for saying that steamship use is the highest available reasonable use for water front property of the character that you were testifying to? A. There are two"— A. There are two main reasons. The first is the fact that steamship use demands more and greater facilities than other uses; and second, that steamship interests will pay more for such facilities than other utilities.

Q. (Question read as follows): "Now, on what facts did you base the statement that the high peak of the prices for water front property was reached during the spring or summer of 1920?" A. In the summer of 1919, that is some months after the signing of the Armistice, unusual conditions prevailed in the market for water front properties suitable for development as modern steamship piers or terminals. There were ten principal shipping interests seeking additional space on new sites. They believed that the great boom in shipping would continue, and they did not realize that Europe would be prostrated by the depths of war, and that commerce would suffer thereby. These firms included the Cunard lines, Luckenbach lines, National Mercantile Marine, United American line, Japanese line, and several others. The New York Central Railroad was also in the market for frontage on the Hudson River. Of these ten principal concerns pressing for additional space, three were ready to purchase, and they were the Cunard lines, Luckenbach lines, and New York Central Railroad. The other seven concerns were taken care of by the City of New York, which undertook to develop the Staten Island shore with municipal piers after they had signed leases with these concerns. That is, the Sinking Fund Commissioners permitted the appropriation of the money necessary for building these piers after evidence had been shown that a demand existed by reason of these signed leases, with a bond, I think, for fifty thousand each, were put out. These concerns were then out of the market and the Cunard lines purchased, the Luckenbach lines purchased, and the New York Cen-

tral found space; so that by the summer of 1920 all had been located—that is, before the real break in export commerce came with the fall of 1920. Thereupon, the concerns which had purchased on the Hudson River in New Jersey held their plans in abeyance, awaiting a revival of trade or some other emergency where they were justified in going ahead.

In my judgment the prices paid by these three companies who bought in New Jersey on the Hudson River are of value in this appraisal only to the extent that they show a period of great exigency, now passed. The amounts paid represent the top prices for the respective classes of property. I think that covers the situation.

Q. (Questions and answers read as follows): "Mr. Morrison, you have testified to the purchase by the Cunard Company on your cross-examination by Mr. Stout, did you not? A. Yes. Q. Are you familiar with the conditions which led up to that purchase? A. Yes. Q. What is the source of your information or what are the sources of your information?" A. General knowledge that, it is commonly known, I should say, that the Cunard Company were having difficulty with the Dock Department, New York City, over their leases of the city property. They wanted additional space, and they felt that they could be relieved largely of this handicap by owning property. I gathered this through conversation with the Cunard people.

Q. (Question read as follows): "Do you know of any particular reasons why the Cunard Company in the year 1920 purchased a new terminal in Weehawken?"

Mr. Bain: That question has already been answered and I will withdraw it.

Q. (Question read as follows): "You referred upon cross-examination to the purchase by the Luckenbach Company of some water front property on the Hudson River. Do you know of any conditions which led up to the purchase of that property?"

Mr. Bain: That question has been answered and I will withdraw it.

Q. (Question read as follows): "There were also some other sales of water front property along the Hudson River in the years 1919 and 1920. Are you familiar with the conditions which led up to those purchases?"

Mr. Bain: That question has been answered and I will withdraw it.

Q. (Question read as follows): "Do you know of any conditions, special conditions, which are reflected in the prices paid for water front property along the Hudson River in Hudson County in the years 1919 and 1920?"

Mr. Bain: That question has been answered and I will withdraw it.

Q. (Questions and answers read as follows): "Was there any activity in the demand for water front property along the Hudson River and New York Bay in the years 1919 and 1920? A. There was. Q. Will you please state what that demand was?"

Mr. Bain: I will withdraw that question, it having already been answered.

Q. (Question read as follows): "You have stated or referred to numerous sales of water front property along the Hudson River and New York Bay between the years 1916 and 1920. Are you familiar with the conditions which led up to those sales?"

Mr. Bain: That question has been answered and I will withdraw it.

Q. (Question read as follows): "Are you familiar with the activity in shipping from New York Harbor during the years 1919 and 1920. * * * Will you please state what that was?"

Mr. Bain: That question has been answered and I will withdraw it.

That is all with Mr. Morrison.

RE-CROSS EXAMINATION by Mr. Stout:

Q. Mr. Morrison, do you know that there was a competitive purchaser for the Cunard property? A. I believe there was.

Q. And that wasn't for a steamship purpose, was it? A. I think not. That is, I think that it was for a steamship purpose.

Q. You don't know of someone who was endeavoring to buy it at the time the Cunard people purchased it who wanted to put it to some other use than a steamship use? A. I have heard that a concern was trying or someone told me that he believed that a concern was trying to purchase this site who is not in shipping, but that same concern has mixed into various other deals at various times during the last ten or fifteen years and has not purchased anything to my knowledge during the past ten or fifteen years

and seems to be merely butting into sales more than anything else.

Q. Who is that party? A. American Sugar Refining.

Q. And do you know what they were willing to pay for this property? A. I do not.

Q. Do you know whether they have purchased any shore front property within the past two years? A. Not in New Jersey.

Q. Anywhere?

Mr. Bain: I object to that. Suppose this concern purchased some property down in Panama.

Mr. Stout: I mean in the New York Harbor.

Mr. Bain: Well, I object to that. Suppose they purchased some property over in Long Island City. That is hardly material to this—

Mr. Stout: Well, he made the statement that this concern was always nibbling around but never bit anything off. I want to find out whether they have bit anything off in the harbor.

Mr. Bain: We all know that the American Sugar Refining Company has some plants located at various points adjacent to New York.

Q. Do you? A. I have no knowledge of their purchasing.

Q. And in your opinion the American Sugar Refining Company is an irresponsible concern.

Mr. Bain: I object to that.

The President: I hardly think that that is—

Mr. Bain: He hasn't suggested any such thing.

Q. Mr. Morrison, in your opinion, a steamship use is the most profitable use? A. For New Jersey water front.

Q. Yes. A. Within the limits of Hudson County.

Q. Yes. And you have testified on re-direct examination that you did not consider the value of these properties for railroad uses because you didn't know what money the railroads were making?

Mr. Bain: He didn't say—I object to that question on the ground that it assumes something that the witness didn't say.

Q. Tell us, then, why—

Mr. Bain: The witness said it was impossible for him to ascertain the value of any particular piece of railroad property according to its profitable use.

Q. Tell us, Mr. Morrison, why you did not consider the value of these properties devoted to a railroad use? A. In valuing a tract of land used by a common carrier, with a system stretching through the country, it is manifestly impossible to determine what if any net return the road is getting on its parcels of land. Therefore the value of the railroad use is indeterminate.

Q. But you can determine what the net income of a steamship company would be? A. An accountant can.

Q. An accountant can? A. He can allocate because of the investment, and so forth, in land or buildings or improvements—he can determine what return the steamship is getting, and whether it is a profitable site for the steamship company.

Q. And you have ascertained, have you, what the profits of steamship companies are? A. I know, as a practical real estate man, what they are willing to pay, and what they have paid.

Q. Well, that— A. I have based my values of these railroad lands upon the evidence of value, such as sales.

Q. Did you ever make a sale of property to a steamship company? A. No.

Q. Did you ever make a sale of property to a railroad company? A. I don't recall having made one.

Q. And have you ever made a sale of real estate in New Jersey? A. Only to the extent of participating, not as a leading broker or one doing business in—brokerage business in New Jersey, no.

The President: Just a moment, Mr. Stout. What do you mean by participating?

The Witness: I mean offered my advice or knowledge to either the purchaser or seller with respect to value.

The President: I see. A guide, so to speak.

The Witness: Yes. Not a broker.

Q. You have never ascertained, have you, the profits or income of a steamship company? A. I have not.

Q. Have you appraised, either for the seller or the purchaser, any piece of property on the Hudson shore or shore front property? A. Repeat that question, please.

Q. (Question read.) A. I have.

Q. What property was it? A. Lands in New York Bay, Lehigh Valley Terminal tract known as the Lehigh Valley Harbor Terminal tract, in New York Bay.

Q. When did you make that appraisement? A. As of June 30, 1918.

Q. That was after the property was transferred, was it not? A. It was.

Q. Yes. You never made an appraisement of shore front property in Hudson County for the seller or the purchaser prior to the sale A. Not that I recall.

Q. And so the reason why you didn't consider the value of these various parcels of property then for railroad use was because you had no way of ascertaining the net income of the respective railroads?

Mr. Bain: That isn't what the witness said.

Mr. Stout: I am asking him if that is so or not.

A. That is not so.

Q. Well, then, will you restate it, the reason why you didn't consider the market value of these properties for railroad uses? A. The net return that a railroad company may earn is one thing, and it is another thing to say how much

of that net return should be allocated to land to show the return on the land.

Q. Well, now, you did not value these various lands of the railroads for railroad uses at market value because you did not or could not ascertain the net return of the railroads?

Mr. Bain: The question is objected to on the ground that it is so complicated it can hardly be answered. I will ask that that question be repeated.

Q. (Question read.)

Mr. Bain: And also objected to on the ground that it assumes a fact not in evidence. The witness has testified that he did value these lands at what he considered market value.

Mr. Stout: Well, for railroad uses, I said.

Mr. Bain: But you didn't put for railroad uses in your question.

Mr. Stout: Yes, I did.

The President: You supplement that, do you?

Mr. Stout: All right, I will supplement it then, to make it clear to Mr. Bain.

Mr. Bain: No, make it clear to the witness.

Mr. Stout: The witness hasn't said it isn't clear.

Q. Can you answer the question, Mr. Morrison? A. Yes. The net return which any railroad is making is always in evidence, because its returns, its reports are available; but that

doesn't assist anyone in valuing the railroad land because it is no evidence of return on the land, the particular part of which we are valuing.

Q. Well, don't you think that what you are considering is the franchise rather than the market value of the lands for railroad uses? A. I am not confusing the franchise with the market value but I think what you are confusing is the going concern value. You have that in mind.

Q. No, no, I am not confusing anything; at least I am not trying to. I wish you would distinguish between the franchise value of a railroad company and the net return value. A. I find that they bear no relation to each other. There is no evidence that there is any relation between the two.

Q. Well, will you define franchise value? A. No, I cannot do that.

Q. You don't know, then, what the franchise value of a railroad is? A. No.

Q. Well, how do you know then, you didn't consider it in arriving at the value of these properties? A. Because I have valued these properties on the basis of their highest utility based on sales of property similar and having influenced their value to allow of a judgment being formed upon which I rely.

Q. But my recollection is that you testified on cross-examination that there were no sales of substantially similar property? A. I did.

Q. And yet you rely upon the sales of dissimilar property? A. Yes. That is how I form my judgment, considering all the sales, all the evidence of value, all the relevant data.

Q. Mr. Morrison, you didn't consider in arriving at your values of these properties what the respective railroads could get in the market on January 1, 1921, for their respective properties to be sold to another railroad? A. That is to indulge in mere speculation since we have no sales of railroad properties to other railroad companies to be used for the same purpose.

Q. Did you?

Mr. Bain: Well, he has answered the question.

A. I say no.

Q. You did not. You didn't consider what the Lehigh Valley Railroad, or what the Erie Railroad, or what the D., L. & W. Railroad, or any other railroad would be willing to pay for the Exchange or Harsimus yard of the Pennsylvania Railroad if that road was willing to sell it?

Mr. Bain: The question is objected to on the ground that it is necessary to secure the consent of Government authorities, both National and State, before any such property can be disposed of by sale.

Mr. Stout: Well, we are assuming we get that.

Mr. Bain: Then you are assuming something that might never take place. It is an impossible hypothesis.

Mr. Stout: It is? I think it is a proper question.

Mr. Bain: I object to it on the grounds I have stated.

The President: Overrule the objection. You may answer.

A. It would be to indulge in mere speculation without any definite or accurate means of ascertaining the true amount one road would be willing to pay to another for facilities which now seem essential to each.

Q. When you valued these properties for industrial or commercial purposes, did you there consider what the net return of the industry or commercial purpose might be? A. No, because I had sales to determine that.

Q. You mean—you don't mean to determine the net return, do you? A. No. No. In valuing the properties which I state are suitable for industrial purposes I had sales of such properties with which I could compare them, and therefore I could make a value without going into net return.

Q. You had sales—excuse me. A. But in placing on the value not knowing that the railroad—that the industries had paid that sum, I appreciate the fact that they would not have paid that sum if the site did not provide the facilities from which they could get a fair net return on their investment.

Q. Did you have sales of similar property so that you could use those sales upon the net return basis in making comparisons with the properties under review? A. Read the question again please?

Q. (Question read.) A. I don't find the question intelligible, if I may—

Q. You testified that when it came to valuing a piece of property you based it upon its indus-

trial or commercial use, you used sales? A. Yes.

Q. Now, then, were the sales, or rather was the property involved in those sales, so similar to the properties here under consideration or any of them that you could use the net returns of the properties involved in the sales to compare with the properties under review? A. I didn't make an investigation of the net returns but assumed that in buying generally industries realize that they can pay a net return on the investment that they might make in the land. It is a self-evident fact—

Q. Well, then, you exclude the market value of the property for railroad use purely for the reason that you cannot ascertain the net return of the respective railroads? A. And in the absence of sales of such property.

Q. In the absence of sales? A. Certainly. The only thing else I have recourse to is the net return, and in the absence of that, the sales, and when they are not present it leaves the question indeterminate.

Mr. Bain: You said, Mr. Stout—I am not objecting to your question, but you said net return; you mean net return applicable to any piece of property?

Mr. Stout: Yes.

Q. In your opinion, it would influence a purchaser of a piece of shore front property for a railroad what the net return of the railroad was in respect to that particular piece of property? A. That is, if he were purchasing the railroad lands.

Q. Oh, yes; yes. A. If he were going to devote it to the same purpose of a railroad.

Q. Yes. A. That is, you would say, now, that the purchaser is another railroad, since an individual cannot devote this land to railroad purposes.

Q. Yes. A. It probably would have no influence for the simple reason that one railroad in buying another piece or a piece of land belonging to another railroad doesn't care what the other railroad is earning. He wants to know—if he buys the entire road, of course, that would influence the price, whether the road was being run profitably, that would determine the market value, just as it determines the market value of the stocks and bonds outstanding.

Q. Well, don't you think, Mr. Morrison, that if a railroad was going to buy a piece of shore front property which was devoted to a railroad use on January 1, 1921, that the purchaser wouldn't care what the present railroad was making out of that particular piece of land, it would be what it would be worth to him for railroad uses? A. I cannot determine railroad use value, because I don't know anything about—I have no records of such sales and cannot—

Q. So you can't say what one railroad would pay to another railroad for a piece of property devoted to railroad use? A. There is no guide to such payment.

Q. But you can say what one steamship company would pay to another steamship company for a piece of property? A. Where?

Q. On the Hudson shore? A. That is, if such steamship company—

Q. If it wanted to sell it, and so forth. A. I can determine that.

Q. You can? A. I can determine that.

Q. You can determine that? A. I can value—I can place a value on it.

Q. Oh, yes. A. Of course I never can foretell a price that might be paid. I can value the property, place a fair market value on it.

Q. I think you testified yesterday that steamship companies pay more for shore front property than any other utility. A. That is right.

Q. Would you say that that is so in respect to the Hudson County shore front A. I believe that to be true.

Mr. Bain: Referring to the river front or the bay front?

Mr. Stout: The river front.

Q. How many sales have been made to steamship companies of shore front lands located in Hudson County?

Mr. Bain: Running back how many years?

Mr. Stout: Running back ten years.

A. I will have to inspect my data. (Refers to book.) I find three such sales.

Q. What is that? A. I find three such sales—four such sales that might be classed in that—

Q. Property purchased by steamship companies? A. Two, if you exclude the purchases by the New York Central but the development of that property would necessarily be steamship development, I assume. Two, if you exclude that; two strictly. The answer to the question is two.

Q. What are they A. One is the Cunard, and the other is to the Luckenbach.

Q. Well, don't you know that is a dry dock proposition, the Luckenbach?

Mr. Bain: No, it isn't.

A. It is not.

Mr. Bain: Mr. Dunham knows that it isn't.

Q. What is that property being used for? A. That property is not being used at present, except for tying up barges.

Q. You wouldn't compare that use with the use to which the Cunard property is going to be devoted, would you? A. The purposes are the same.

Q. The purposes are the same? A. According to the plans and models of piers and factories which have been shown me by Mr. Luckenbach.

Q. Now, then, in your opinion, the price paid by the Cunard people was the highest price paid for shore front property in Hudson County. A. I didn't say that. I know that there are—I believe two or three sales which show a slightly higher rate in Hudson County.

Q. Then in Hudson County steamship companies don't always pay the highest price? A. They pay the highest price for properties that can be devoted to steamship purposes.

Q. Sure of that? A. I find that to be true.

Q. That is in respect to two sales? A. That is true.

Q. Is there any other property along the Hudson shore front that could be devoted to a steamship use? A. It could.

Q. Well, what do you say of the property that was sold by the Ocean Steamship Company to the Hamburg-American—I mean to the Lackawanna, or Hudson Realty Company? A. That has been devoted to steamship use.

Q. And that was sold to a railroad, wasn't it? A. Sold to the Hudson Realty Company, a real estate company, a subsidiary of the Lackawanna.

Q. Yes, of the Lackawanna. And there was an instance where a steamship company desired to get rid of its property? A. That is true.

Mr. Stallman: Do you want to bring out, Mr. Stout, that the Cunard bought from a railroad company?

Mr. Stout: No, I don't want that. All right; it seems to create joy in the camp of the enemy; yes.

Q. Now, Mr. Morrison, you say that the price paid by the Standard Oil Company to the Lehigh Valley for property down at Constable Hook was the highest price that has been paid for that character of property. Do you so testify? A. I know of no sale at a higher rate in New York Bay between Caven Point and Constable Hook.

Q. Did you analyze the sales of the Central Railroad to the Tide Water Oil Company, Port Johnston? A. Just what do you mean by "analyze"?

Q. Study those sales. A. I knew of the sales, and considered them.

Q. How do you account for the purchaser paying $10,000 an acre for a strip of land in 1915, and $10,000 an acre for a strip of land in

1916, and $35,000 an acre for a strip of land in 1920?

Mr. Bain: The question is objected to on the ground that it is incompetent, irrelevant and immaterial.

Mr. Stout: Adjoining strips of property.

Mr. Bain: I object to that on the ground that they are not all adjoining strips of property.

The President: The objection is overruled. The question may be answered.

A. There was a peculiar condition at that point which I will refer to here. I want you to look at this sketch that I have made of those plots (producing sketches). This is the condition here. Aside from the fact that the last sale at thirty-five thousand took place at a later date and at a time when you might expect a higher price than in 1913 and in 1916, it was a last straw, so to speak, from which you could cut—that you could cut from the remaining property of the Central and not cut into their valuable rights and limit their use of the balance. Consequently, there were what I consider heavy consequential damages in the thirty-five thousand an acre. That is demonstrated by the fact that you are crowding over here (indicating) with successive strips a much greater distance than the width of the strip, which was only 75 feet in the last case.

Mr. Bain: That doesn't mean anything at all on the record, Mr. Morrison, when you point to the map and refer to strips. If you refer to the property purchased as a rectangular strip, or long narrow strip,

or something of that sort—

The Witness: Yes.

A. (Continuing.) The first purchase at $10,000 included 13 acres of upland away from the strip as against about five acres in the strip running down in the direction of the Kill van Kull.

Mr. Bain: Well, Mr. Morrison, will you do this? Start with the last one purchased. Was that a long narrow strip?

The Witness: The last sale at thirty-five thousand an acre was a long narrow strip, several thousand feet long, and cutting—

Mr. Bain: And how many feet wide?

The Witness: Seventy-five feet wide. That was a sale involving consequential damages as well as—

Q. Consequential damages to what, Mr. Morrison? A. To the balance of the property.

Q. Meadow land there? A. No, that is filled land. Ready for any improvement that might require upland such as has been put on the strips by the Tide Water Oil Company where they have purchased.

The Witness: Is that clear, Mr. Bain, for the record?

Mr. Bain: I don't know what Mr. Stout is driving at.

The Witness: He wants to know what is the difference—cause for the difference between thirty-five an acre in 1919 and ten thousand an acre in 1913. One of the two reasons—

Mr. Stout: Is the answer satisfactory to you, that is the question.

The Witness: Two of the reasons I have given. One of the reasons was the difference in date, and the other difference is caused by the consequential damages to the balance of the land.

Q. In your opinion, were all of those sales at market value?

Mr. Bain: Referring now to these three, Mr. Stout?

Mr. Stout: Yes, sir.

A. I don't know.

Q. You don't know? A. I don't know.

Q. But your reason that they paid more for the tract that they purchased in 1921 or 1920 per acre than the tract that they purchased in 1915 and 1916 was due to the shape of the property and the consequential damages in the acquisition of it? A. Yes; the date of the first purchase was 1913, and the second purchase 1916. That was a trade--or they took land from the Tide Water Oil—

Q. In your opinion, has there been an increase in the value of the property there between 1915 and 1920? A. I should think so, yes.

Q. Mr. Morrison, in testifying in respect to the Cunard purchase, and the condition of the market and the Port of New York at the time of that purchase, you referred to certain leases which you considered in arriving at the market value of the property at that time.

Mr. Bain: The question is objected to on the ground that it assumes a fact to which

the witness did not testify. He didn't testify he considered any leases at all.

Q. Didn't you refer to some leases made by the City of New York? A. Just now you refer to leases which I stated had been given on Staten Island, the new Staten Island piers?

Q. Yes. A. Yes, I did state that the steamship companies had been taken care of on Staten Island by leases by the city.

Mr. Bain: That was the only purpose for which that was referred to?

Mr. Stout: Surely, that was the only purpose.

Q. When were those leases made? A. In the summer of 1919.

Mr. Stout: I guess that is all.

Mr. Stallman: That is all.

Mr. Bain: That is all.

Mr. Wall: That is all.

Mr. Bain: I offer in evidence original grant by the State of New Jersey to the Lehigh Valley Railroad Company, dated July 12, 1889, and an Act of the Legislature of the State of New Jersey, approved March 14, 1867, referred to in that grant. The purpose of the offer is to show the requirement as to a channel 150 feet wide through the Tide Water Basin of the Lehigh Valley Railroad Company.

Mr. Stout: I object to it. The Board will take judicial notice of any acts of the Legislature.

Mr. Bain: If the Board will take judicial notice of the Act, I offer the grant any-

way. I can obtain a copy of that Act if the Board wants it.

Paper above referred to received in evidence marked P 22.

ARTHUR S. CONDIT, sworn for the appellants:

Direct-examination by Mr. Bain:

Q. Mr. Condit, are you employed in the land and tax department of the Central Railroad Company of New Jersey? A. Yes.

Q. How long have you been so employed? A. Going on 17 years.

Q. Are you familiar with the assessed values of certain property of that company in the City of Elizabeth? A. Yes.

Mr. Stout: Oh, I object to that as immaterial, the assessed value of the property in the City of Elizabeth.

Mr. Bain: Property of the Railroad Company. Part of that is under review here.

Mr. Stout: Oh, I beg your pardon.

Q. Are you also or have you examined and are you also familiar with the assessments upon lands adjoining the property of the Central Railroad Company of New Jersey in Elizabeth? A. Yes.

Mr. Stout: Might I ask counsel what is the object of this examination?

Mr. Bain: The purpose of this—I intend to produce a map showing the assessed value of the railroad property and the assessed value, the local assessed value of adjoining property, for the purpose of showing the discrimination against the railroad.

Mr. Stout: Oh, may it please the Board, this Board—

Mr. Bain: Not discrimination by this Board; I don't mean to say that, but to show the unfairness of these assessments.

Mr. Stout: Oh, Mr. Bain ought to know better than that.

The President: Well, it strikes me that we are limited in our inquiry. It may be that there are assessments adjoining the property in review that are assessed relatively less than the property we are reviewing. I think the Court has spoken on that subject.

Mr. Stout: Yes; first in the Long Dock case.

Mr. Bain: What I want to point out is the fact that the railroad assessments are at twice the valuations of the local property.

Mr. Stout: I move, may it please the Board, that ought to be expunged from the record, that Mr. Bain, a railroad tax lawyer, ought to know better than to come here and make such a motion.

Mr. Bain: I have a perfect right to say what I want to show at any time. I am within my legal rights.

The President: Well, I hardly think you are in the way you have said it, Mr. Bain.

Mr. Bain: I stated what I want to show. I think that is proper. You can overrule it, if you want to.

Mr. Stout: It isn't proper.

The President: Well, it is overruled.

Mr. Stout: I move that it be expunged from the offer.

Mr. Bain: What are you expunging?

Mr. Stout: What you have been talking about.

Mr. Bain: The offer?

Mr. Stout: The offer and your statement.

Mr. Bain: I will call for a ruling by the Board on whether the offer is going to be expunged.

Mr. Stout: I say that should be stricken from the record, the remarks that Mr. Bain has here made in respect to the discrimination between assessment of property in Elizabeth and some other place. It has got no place before this Board.

The President: The motion is granted.

Mr. Bain: Now, I would like to know what stays on the record.

The President: Did you offer the map?

Mr. Bain: I couldn't offer the map. I wish to state what I propose to show by the testimoney of this witness. Now, if it is satisfactory to the Board and satisfactory to counsel, I will consent that everything be struck from the record and I will make an offer on what I want to show. Counsel can then object to it, if he wants to. Is that satisfactory?

Mr. Stout: No, that is not satisfactory.

Mr. Bain: Well, then, I want to know what is to be struck from the record.

Mr. Stout: I say all your statement and remarks in respect to this offer be stricken from the record.

Mr. Bain: Read the record and let's have certain parts of it struck from the record, if the Board is going to have anything struck from the record.

The President: You may proceed, Mr. Stenographer.

(The record was read as follows):

"Q. Are you also or have you examined and are you also familiar with the assessments upon lands adjoining the property of the Central Railroad Company in Elizabeth? A. Yes.

"Mr. Stout: Might I ask counsel what is the object of this examination?

"Mr. Bain: The purpose of this—I intend to produce a map showing the assessed value of the railroad property and the assessed value, the local assessed value of adjoining property, for the purpose of showing the discrimination against the railroad."

Mr. Stout: Now, I move that that all be stricken out.

Mr. Bain: My offer be stricken out?

Mr. Stout: Yes. We don't want to contaminate this record by any such statements.

Mr. Stallman: How can the Court rule on the offer?

Mr. Bain: How can the Board possibly rule on the offer if the offer itself is struck from the record?

Mr. Stout: I say it is an improper remark to make here.

Mr. Bain: Well, where is the impropriety? What is improper? The use of the word "dis crimination"?

Mr. Stout: It is improper for you to come before this Board in this proceeding and make a remark that there is a discrimination between assessments made by this Board and the local authority.

Mr. Bain: I haven't said that. I said I intended to produce a map showing a certain thing.

The President: And the purpose of that map is what? To indicate what you deem to be an inequality in the matter of assessments?

Mr. Bain: If the objection is as to the use of the word "discrimination," I will consent that that word be eliminated and say that I want to produce evidence that the assessments on property immediately adjoining the property of the Central Railroad Company of New Jersey in Elizabeth are at values very much less than the values of the railroad property.

Mr. Stout: If that be your motion, then I move that it would be immaterial and improper to make any such showing before this Board.

The President: The motion is granted.

Mr. Bain: Now, I don't know that we have yet got the record proper on that, there has been so much said. Suppose we strike out all that has been said, and I will put that offer again in such a way that Mr. Stout won't object to it, and then we can have a ruling on it. I take it that the Board will strike out everything after this witness was sworn.

The President: You begin anew, so to speak.

Mr. Bain: Just give me the last question I asked of this witness before all of this discussion.

(Question read as follows):

"Q. Are you also or have you examined and are you also familiar with the assessments upon lands adjoining the property of the Central Railroad Company of New Jersey in Elizabeth?"

Mr. Bain: Strike out everything after that, I intend to produce evidence to the effect that the assessed values of property in the City of Elizabeth immediately adjoining certain property of the Central Railroad Company of New Jersey are very much less than the assessed values of the railroad property.

Mr. Stout: I move that it isn't proper to make any such showing in these proceedings.

Mr. Bain: I take it that the Board overrules the offer.

The President: Yes.

Mr. Bain: That is all, Mr. Condit.

ARTHUR BAYFIELD, sworn for the appellants.

Direct-examination by Mr. Bain:

Q. What is your occupation? A. Treasurer of the Lehigh Valley Railroad.

Q. How long have you held that position? A. About eighteen months. I was auditor prior to that.

Q. How long were you auditor? A. From 1917 to 1920.

Q. Are you familiar with the statistics or figures upon which the present rates of transportation in the Lehigh Valley System are based? A. Yes.

Q. That is the rates fixed by the Interstate Commerce Commission? A. Yes.

Mr. Stout: Just a minute. What is the purpose of this examination?

Mr. Bain: My purpose is to show that the present rates of transportation as fixed by the Federal Interstate Commerce Commission for the Lehigh Valley Railroad System are based in part upon the State taxes in New Jersey for the year 1919.

Mr. Stout: I would say that is immaterial. I think it comes back to the old question we have had here before. If the railroads are not getting sufficient returns, that ought to be addressed to the rate-making body. It seems to me your sphere is to determine upon the evidence and your knowledge what was the fair market value of this property on January 1, 1921.

Mr. Bain: I might say that my further purpose is to indicate to the Board that any increase in taxes over those contemplated by the Interstate Commerce Commission at the time the present rates were fixed will throw those rates out of balance.

Mr. Stout: We can't help that.

Mr. Bain: And either deprive the companies of the return they are supposed to have under the Railroad Transportation Act, or make increased rates necessary, and if increased rates

are made necessary by these increased taxes, the increased rates will, of course, be paid by interstate commerce, and the increased taxes in the last analysis will be a burden upon interstate commerce.

The President: Well, do you think, Mr. Bain, that ought to be addressed to this Board?

Mr. Bain: I think it is a proper thing for me to show to the Board. The Board may disregard it afterwards, I don't know what the attitude of the Board will be, but I think it is proper for me to show the Board what the fact is in that regard.

The President: Well, if it shows us a phase of our work that at present we are ignorant or unfamiliar with, why I suppose you ought to be permitted to proceed. What do you say, Mr. Stout?

Mr. Stout: Why, Mr. Chairman, the purpose of the offer is this, as I see it: Don't increase the assessments on these properties over last year because if you do you will increase the burdens of the railroads and they will have to get a higher rate, which will affect all the people that use the railroads. Now, manifestly, that isn't the province of this Board. We can't help it.

The President: Mr. Bain has an idea that it is.

Mr. Bain: I might say this, another aspect this testimony might have is this: Mr. Stout, in his cross-examination, has endeavored to discover the value of property for railroad use. Now, suppose I show the return, or lack of

return, from railroad property through increased taxes; doesn't that affect the value of railroad property for railroad use? Suppose we are taxed so heavily that we can't make a proper return; doesn't that affect the value of railroad property for railroad use? Of course, it does.

The President: For the purpose of assessing?

Mr. Stout: In answer to that I would say that as you increase the taxes on property its values must decrease.

Mr. Bain: I might say to Mr. Stout that I think I made my—

The President: Well, let's ascertain, Mr. Stenographer, about where we are at. You offered an objection, Mr. Stout, I think—

Mr. Stout: Yes, that it is immaterial whether increased taxes will increase the rates to be charged by railroad companies.

The President: It is the judgment of the Board that the objection ought to be sustained.

Q. Mr. Bayfield, have you a statement of the net return of the Lehigh Valley Railroad System for the year 1921? A. I have a statement of the net return for the year 1921 with December figures estimated.

Q. Why are December figures estimated? A. The December figures are not available yet.

Q. This covers the whole system, does it? A. Yes, sir.

Q. And these figures are correct, are they? A. Those figures are correct with the exception of the

estimated figures in December, which we believe to be very close to actual, from present known facts.

Q. And with the estimated December income the whole year 1921 is complete? A. The whole year 1921 is complete.

Mr. Bain: I offer this in evidence.

Mr. Stout: What is the purpose of the offer?

Mr. Bain: I offer in evidence the statement produced by the witness.

Mr. Stout: For what purpose?

Mr. Bain: The purpose is to show the net railway operating income of the Lehigh Valley Railroad System for the year 1921.

Mr. Stout: On the question of franchise value?

Mr. Bain: For any purpose for which it is proper.

Mr. Stout: Well, what is the purpose?

Mr. Bain: I think it is a matter of information for this Board on this review. One purpose of it is to show that the net income from railroad property is much less than the ordinary income from any other class of property.

Mr. Stout: I want to ask the witness a few questions. I suppose the Board will use this as it sees fit. I don't have any objection to it.

CROSS-EXAMINATION by Mr. Stout:

Q. Mr. Bayfield, from what is this statement made? A. From the general books of the company, with the exception of the last figure.

Q. Who makes up the general books of the company? A. The general bookkeeper assembles all the figures that are received from the various auditors.

Mr. Stout: Well, I submit that this isn't competent evidence.

The President: Pardon me, Mr. Stout. I had a word with the engineer and I wasn't giving you the attention—

Mr. Stout: My objection is that this statement as presented here is not competent evidence.

The President: And why?

Mr. Stout: Why, because the books of the company are the best evidence, and from the answers to the questions that I asked the witness it appears that those books are made up by numerous accountants of the company, deriving their information from various sources.

Mr. Bain: Do I understand that Mr. Stout wants me to produce every accountant and wants me to produce every book?

Mr. Stout: I don't care, Mr. Bain, what you do except that I think it ought to be proven according to legal rules.

The Witness: These figures are submitted to the Interstate Commerce Commission.

Mr. Stout: Strike that out.

Mr. Stallman: You don't object to the materiality of it, Mr. Stout?

Mr. Stout: What is that?

The President: You do, Mr. Stout?

Mr. Stout: Why—

Mr. Bain: Let me ask the witness, are these figures, Mr. Bayfield, actually submitted to the Interstate Commerce Commission?

The Witness: Yes, sir.

Mr. Stout: I object to that as also being immaterial.

The President: That is sustained.

Mr. Bain: May I ask the witness another question?

By Mr. Bain:

Q. Are all of the books from which this statement is made up kept under your supervision? A. They are not now. They were when I was auditor.

Q. They were when you were auditor? A. Yes.

Q. How do these figures come to you? A. In the form of a completed statement. We draw them off from the general books and make a complete statement, the same manner as any other concern makes its complete statement up.

Q. And are these figures as they appear on this statement the same figures that appear in your records? A. Yes, sir.

Q. Kept as a part of the records of your office? A. Yes, sir.

Mr. Bain: I submit that the offer is competent.

Mr. Stout: I submit that it is incompetent.

The President: You object to the offer?

Mr. Stout: Yes.

Q. Let me ask this question, Mr. Bayfield: Are those the same figures that appear in the report to this Board, do you know? A. Let me see the report you are talking of. They make several reports.

Mr. Stout: Oh, to save time, let it go in, and let the Board consider it for what it is worth.

A. They are the same figures as appear in column six.

Mr. Bain: All right. Then I understand the objection is waived?

Mr. Stout: I told you how I would let it go in.

Paper above referred to received in evidence and marked P23.

Mr. Bain: That is all, Mr. Bayfield. Now, there are numerous other matters against which the railroads I represent have complained. They are shown upon several sheets or schedules that I have put before the Board. I understand those matters have been referred to Mr. Focht and Mr. Focht hasn't had an opportunity yet to take them all up. I assume that those will still stand referred to Mr. Focht, and that we can come back to the Board with them later. I mention particularly the items of graduation.

The President: Yes.

Mr. Bain: Mr. Stout, have you had an opportunity to check the schedule of sales of water front property that we gave you? I want to offer that schedule in evidence.

Mr. Stout: I can't give you any answer yet because I haven't checked it.

Mr. Bain: I would like to offer the schedule of sales of water front property, copy of which we heretofore gave Mr. Stout, subject to examination and, if necessary, correction I might say that the first sheet of this schedule, that is, the sheet showing the Hudson River water front sales, has been heretofore checked by the State.

Mr. Stout: No.

Mr. Ryer: Mr. Dunham said it was all right.

Mr. Dunham: Substantially, I said.

The President: There is nothing wrong with that, is there?

Mr. Stallman: If there is anything on it that is wrong, all they have to do is to point it out.

Mr. Dunham: We will submit our own schedule.

Mr. Bain: We offer in evidence a schedule I now produce, being in three sheets, the first sheet entitled, "Hudson River Water Front Sales," the second sheet entitled, "Kill van Kull Water Front Sales," and the third sheet entitled, "New York Bay Water Front Sales."

Mr. Stout: I have no objection, if counsel for the railroads will accord the State the same privilege.

Mr. Bain: Of what?

Mr. Stout: Of offering their schedules of sales.

Mr. Stallman: Subject to our correction.

Mr. Stout: Yes, yes. I mean in the same manner.

The President: That may be admitted.

Schedule above referred to, consisting of three sheets as described, received in evidence and marked P24.

Mr. Bain: We desire to offer in evidence in lieu of the map heretofore offered another copy of the same map upon which the sales of all water front property have been indicated in yellow, and the sales of all the property under consideration by the Board at this time have been indicated in red, or pink. We think that that map will be a great convenience.

Mr. Stout: I think so, too, but I think we ought to have an opportunity to examine it before it goes in evidence to see whether you have all of the properties that have been sold indicated on the map.

Mr. Bain: If there are any errors or omissions in the map which should have been placed upon it, I think we will agree to place them on it.

The President: Well, under the circumstances I think it ought to be admitted.

Mr. Stout: Well, will you let us have a copy of it?

Mr. Bain: We will not furnish you with a copy of that map. There is the map.

Mr. Stallman: The parcels shown on this map are the same parcels as are shown on the schedules.

Mr. Stout: Well, we will furnish our own map.

The President: That is a pictorial supplement of the schedules, is it?

Mr. Bain: Oh, you are welcome to see the map and examine it any time you like. I might say to the Board that the sales on the map are numbered to correspond to the sales in the schedules which we put in evidence so that any sale can be identified readily by number both on the schedule and the map.

Mr. Stout: We will let it go in subject to errors and omissions.

Mr. Bain: I have no objection to the map going in evidence subject to any correction that you might want to make on it.

Map above referred to received in evidence and marked P25.

WILLIAM H. RHOADS sworn for the appellants.

Direct-examination by Mr. Stallman:

Q. Mr. Rhoads, are you one of the assistant real estate and tax agents of the Delaware, Lackawanna & Western Railroad Company? A. I am.

Q. And as such are you familiar with recent purchases made by the Delaware, Lackawanna & Western Railroad Company in the vicinity of its freight yard at Jersey City? A. I am.

Mr. Stout: Pardon me, Mr. Stallman, there was so much buzzing going on around here I didn't get the official position of the—

The President: He is one of the assistant real estate agents of the Delaware, Lackawanna & Western Road.

Q. Have you seen the schedules or heard the testimony concerning the various sales which were made to the Delaware, Lackawanna & Western Railroad Company in that same neighborhood? A. Yes, sir.

Q. In these hearings? A. Yes, sir.

Q. And I believe there are one or two purchases made by the railroad company which have not been testified to or which do not appear on the schedules already offered in evidence? A. That is so.

Q. Will you give the Board the data concerning the sales which have not already been testified to? A. There are two sales. The first of which was W. H. Brown, substituted trustee for Matthews Estate to the Hudson Realty Company, deed dated March 26, 1921, conveys the fronts of Lots 9, 10 and 11, in Block 294, consideration was $3,850, the area in square feet was 4.098, which made a price per square foot of .939 cents, practically 94 cents per square foot.

Q. And that property is located where with reference to the Lackawanna yard? A. That is adjoining what we call our chicken yard. It is the Grant Estate. It is on the north side of Eighteenth Street between Erie and Jersey Avenue. The other sale was that of Andrew and Ellen Scott to the Hudson Realty Company, deed dated July 1, 1921, conveying

Lot 6, Block 261, the consideration was $6,000, the area was 2,500 square feet. There was a two-story frame building on the premises, valued at $3,750, leaving $2,250 the value of the land, which is equivalent to 90 cents per square foot.

Q. And that property was located where? A. That property was on the west side of Grove Street, north of Eighteenth.

Mr. Stallman: That is all.

The President: That is the so-called chicken yard, is it?

The Witness: Adjacent to what we call our chicken yard, yes.

CROSS-EXAMINATION by Mr. Stout:

Q. Which sales are they there (indicating schedule)? A. The first two there.

Q. This is not part of the terminal yard?

Mr. Stallman: In the rear of the terminal yard.

A. In the rear of the terminal yard.

A short recess was here taken.

After recess.

Q. Is the property involved in the sale of Brown, substituted trustee, to the Hudson Realty Company, used as a part of your main terminal in Hoboken? A. I didn't get that. Would you mind repeating it?

Mr. Stallman: Just what do you mean by the main terminal? The reason I ask that is

that the main terminal extends from Secaucus to the Hudson River.

Mr. Stout: I mean east of Henderson Street.

A. It is not east of Henderson Street.

Q. And is the property involved in the sale of Andrew and Ellen Scott to the Hudson Realty Company used in your terminal tract east of Henderson Street? A. No, sir.

Mr. Stout: That is all.

Mr. Stallman: We, on behalf of the Delaware, Lackawanna & Western Railroad Company rest our direct case with the exception that Mr. Stout has agreed that we may furnish the Board for its information as well as the information of Mr. Stout—

Mr. Stout: Give us a copy of it.

Mr. Stallman: —some schedules that we will prepare summarizing some of the testimony, and including, for comparison, the previous assessments on this property. It will just save bringing witnesses down to prove the figures. It is merely a summary of the testimony.

Mr. Bain: So far as the companies I represent are concerned, we rest, reserving the matters which have been referred to Mr. Focht as shown upon the statements I gave to the Board at the beginning of the hearing of this review. I would also like to put in schedule form the last previous assessments upon the particular properties under consideration.

The President: Mr. Wall.

Mr. Wall: And on behalf of the Pennsylvania and New York Central, we desire to put in the assessments of 1920.

Mr. Stout: Well, upon further consideration I can't see why the assessment of 1920—

Mr. Wall: 1921; it ought to be 1921.

Mr. Stout: Oh, you mean—

Mr. Wall: 1921.

Mr. Bain: These are 1922 we are considering now.

Mr. Stout: Well, I am referring to the assessment made up as of January 1, 1920.

Mr. Bain: That is the 1921 assessment, Mr. Stout?

Mr. Stout: Yes.

The President: That is the one you want to offer?

Mr. Wall: Yes.

Mr. Stout: Well, it seems to me that that is not evidential. The question is not what was the value of this property on that date. It is what it was worth on January 1, 1921.

Mr. Wall: That is a matter of argument.

Mr. Stallman: Well, on those matters, we not being before a jury, the Board, it seems to me, ought to take these figures of its own assessments anyway, and then if it doesn't give them any weight, it is an easy matter to discard them, but certainly where we are not in the position of influencing a jury with incom-

petent testimony, I don't think anything should be excluded that may throw light on the subject.

Mr. Stout: I have no objection to counsel getting up statements showing the valuations as of January 1, 1920, to be used by them on their arguments, but I don't think it ought to be made a part of this record.

Mr. Bain: That is what we want to do. We want to have this record show the assessments for the year 1921 on these particular pieces of property.

Mr. Wall: The Board itself would desire such things.

The President: Oh, I am inclined to agree with you, Mr. Wall.

Mr. Stout: Well, not as evidence; they may use the statements and submit them to the Board, but—I may be wrong, but I think there is an ulterior motive.

Mr. Wall: There is a motive to show what those assessments were, undoubtedly. Otherwise we wouldn't offer them.

The President (after conferring with members of the Board): The Board is disposed to permit the introduction of those figures.

Mr. Wall: Then, there was some other loose ends that at the opening day it was stated would be taken up with Mr. Focht in an endeavor to adjust them, and so far as the Pennsylvania is concerned I refer to the increased land assessments in Elizabeth, Camden, Atlantic City, Trenton, and Harrison, and some

few small matters, and also on behalf of the New York Central Pier 8, North River. We will endeavor to adjust those with Mr. Focht.

Mr. Stout: The railroads rest?

Mr. Wall: We rest.

Mr. Stout: The State is not ready to go on with its case. I was under the impression from conversation with the other side that Mr. Gaddis was going to be called as a witness here on behalf of the railroads. I don't say that anyone said that to be bound by it, but that was the impression that I was given, and we are not ready to go on today. I think we will have to have at least a week to prepare our witnesses.

Mr. Stallman. What did you do last week?

Mr. Stout: Working all the time on this, our three witnesses worked last week. And I am sure that we can dispose of our side of the case in a week, and as I take it, under the statute, you have until February 15th to complete your review, and then you have until the first of March to certify your findings to the State Comptroller. It seems to me that under the statute the Legislature thought that fifteen days was sufficient time for this Board to consider the case.

Mr. Stallman: Well, I think we should object to such an extension of time as would deprive this Board of the opportunity to examine the pertinent parts of this record with the view of getting at the meat of it. Now, when we adjourned over a week ago the State certainly

understood that we were going to resume at this time, and there was an interval there of some nine days. The State has had as much opportunity as we have to get evidence of the value of this property, and it seems to me that the State is now going to encroach upon the time that is left to this Board to consider this matter.

The President: When is the earliest time you could resume, Mr. Stout?

Mr. Stout: Well, I want to say in reply to Mr. Stallman's statement it is hardly fair for him to say that we have had as much time to prepare as the railroads have. The testimony here shows that they started last summer on this preparation. Now, they come in here, the railroads, and file these omnibus petitions. No one can tell until they start to move what they are going to present to the Board and until we do know, why, we can't prepare to meet it, and all of our witnesses spent the whole of last week in preparing the case and we want to come before you in the same concise way as the railroads have come; we want our appraisals in sheet form, and present them in the same way. Now, I am sure that we have got to have a week.

Mr. Bain: I might suggest to the Board that it would hardly be right to allow Mr. Stout to consume all of the time between now and the 15th of February.

Mr. Stout: Oh, no, no.

Discussion

Mr. Bain: We might want some rebuttal.

An adjournment was here taken until Thursday, February 2, 1922, at 9:30 A. M., Court House, Jersey City.

INDEX TO VOLUME II.

DEFENDANTS' TESTIMONY.

Page

Frederick Dunham,
direct examination.....793, 807
cross " 796, 889
re-cross " 950
re-direct " 974
Charles Singer,
direct examination..... 977
cross " 984
re-direct " 990
re-cross " 993
(recalled)
direct " 1199
cross " 1242
re-direct " 1305
Thomas P. Graham,
direct examination.....999, 1030
[1032, 1038
cross " 1008, 1075
re-cross " 1032, 1198
re-direct " 1191, 1199

PROSECUTORS' REBUTTAL.

Delos W. Cooke,
direct examination..... 1307
cross " 1318
Robert M. Clark,
direct examination..... 1324
cross " 1327
re-direct " 1332

State Board of Taxes and Assessment.

In Re ASSESSMENT: Pennsylvania Railroad System, Central Railroad Company of New Jersey System, Erie Railroad System, New York, Susquehanna & Western Railroad System, Lehigh Valley Railroad System, Delaware, Lackawanna & Western Railroad System, New York Central Railroad System.	Testimony.

Tenth Day.

Trenton, N. J., Thursday, Feb. 23, 1922.

Present:

Mr. Baker, president; Mr. Margerum, Mr. Barber.

(Messrs. Jess and Mutchler, sitting in Essex County to hear appeals on West Orange property.)

Appearances:

As before noted, Mr. Wall being absent.

Case resumed pursuant to adjournment.

FREDERDICK DUNHAM sworn for the State:

Direct-examination by Mr. Stout:

Q. Mr. Dunham, where do you reside? A. Jersey City.

Q. How long have you resided in Jersey City? A. Forty-odd years.

Q. What is your occupation or profession? A. Civil engineer and harbor engineer of Jersey City since 1912.

Q. Are you affiliated with any railroads? A. Director of the Raritan River Railroad.

Q. Have you had experience in the sale and appraisement of shore front properties in Hudson County? A. I have.

Q. And made a study of sales of shore front property? A. I have made a study of the sales of shore front property in Hudson County particularly for the last forty years.

Q. Well, will you relate how extensive that study has been? A. My study of the sales of water front property began about 1882. From that time on to about 1900 I was associated with Mr. Edlow W. Harrison, who was formerly the Chief Engineer of the State Board of Assessors. Mr. Harrison was the man who practically made the first valuations on the terminal properties in Hudson County; in fact, the man who made the first valuations for assessing purposes of all the railroad property in the State of New Jersey. I have been engaged almost continuously for the past thirty years in the litigation of these railroad tax matters; first with Mr. Harrison, on behalf of the State, later years with Mr. Harrison, on behalf of the railroad companies. Since 1912 I have been engaged for the City of Jersey City in these railroad litigations. I have made an appraisement of many properties in Hudson County and in Bergen County. I have appraised the property of P. Sanford Ross on the Hudson River, the quarry land in Bergen County, New Jersey; this property was

later taken by the Interstate Palisade Park Commission. I have also appraised property for P. Sanford Ross in the Borough of Edgewater, water front property; also appraised property on the side hill in the Borough of Edgewater, a part of which property was later taken by the State Highway Commission. I have appraised property of the New York Corn Products Company, Bergen County, of the General Chemical Company, in Bergen County on the Hudson River, Barrett Manufacturing Company, and property of the Bulls Ferry Chemical Company, which adjoins the Pyle's Pearline property on the south. Also appraised property of the Pyle's Pearline Company in Bergen County, property of the American Cotton Oil Company, in Guttenberg, property of Palmer Estate, located on the Tidewater Basin in Jersey City, the Currie property, which was sold to the Tidewater Oil Company in Jersey City, not water front, immediately behind the water front and property of John E. Andrus on New York Bay, at Bayonne. I have also appraised property leased by the Vulcan Iron Company from the Morris Canal & Banking Company, Lehigh Valley Railroad Company lessee, and various other properties in other locations. I have appraised for the purposes of assessment all of the property in the City of Hoboken on the Hudson River for the City of Hoboken. I have appraised for the purposes of assessment all water front property in Jersey City, both on the Hudson River, New York Bay, Newark Bay and Hackensack River, for the City of Jersey City, and I have appraised for the purposes of assessment all water front property in

the City of Bayonne on the New York Bay, Kill van Kull, and Newark Bay.

Q. Are you also familiar with the values of back lands in Jersey City? A. Yes, I am very familiar with the back land values in Jersey City, in fact, the general land values throughout the City of Jersey City.

Q. Weren't you recently employed to make a reassessment or revaluation of all property in Jersey City? A. I did for the City of Jersey City, or the tax department, make what might be termed a revaluation of the entire city.

Q. Do you say that you are familiar with all the sales of shore front property located in Hudson County which sales have been made—going back how far? A. At least forty years.

Q. You have made a study of all of those sales? A. I have.

Mr. Stout: Take the witness, on the qualifications.

CROSS-EXAMINATION by Mr. Bain:

Q. Are you a taxpayer of Jersey City? A. I am.

Q. How old did you say you were? A. Fifty-five.

Q. I think you said you began your study of the value of water front property in Jersey City in the year 1882. A. 1882.

Q. You were then associated with Mr. Edlow W. Harrison? A. And Frank H. Earle.

Q. That was a partnership known as Earle & Harrison, was it not? A. Earle & Harrison.

Q. Mr. Harrison was active at that time? A. Mr. Harrison at that time was very active.

Q. Practicing his profession as a civil engineer and also as an appraiser of water front property in Jer-

sey City? A. At that time he was almost exclusively engaged in the appraisal of railroad properties in the State of New Jersey.

Q. That is as engineer of the State Board of Assessors? A. As engineer of the State Board of Assessors.

Q. And how long had he continued to act as engineer of the State Board of Assessors? A. Up to the time of Mr. Focht's appointment. That was about somewhere around 1900 or shortly before that.

The Witness: Am I right on that?

Mr. Focht: 1898.

The Witness: 1898?

Mr. Focht: May, 1898.

The Witness: Yes; about that time.

Q. So that from 1882 to 1898, you were associated with Mr. Harrison, he being the engineer of the State Board of Assessors? A. Yes.

Q. And your work at that time was to gather statistics, was it not? A. No, I not only gathered statistics but I went out and measured up these properties—

Q. The field work? A. Measured up railroads in the field, and made estimates of value.

Q. But your work then was chiefly field work? A. Largely field work, and later on mostly office work, and the tabulation of returns.

Q. But during that period it was Mr. Harrison who determined the value of the property, after you had gathered statistics relating to the value? A. Mr. Harrison was the man who finally determined the value.

Q. Now, from 1898 Mr. Harrison continued to practice his profession as a civil engineer? A. Yes.

Q. And you continued to be associated with him? A. Yes.

Q. I think you said that during some period Mr. Harrison acted as appraiser for the railroad companies. A. Shortly after he discontinued with the State, he was engaged by the United Railroad Companies in these tax appeals.

Q. And how long was he so engaged? A. He was engaged in that up to about 1912, as I recall it.

Q. That was from 1898 to 1912? A. Yes.

Q. And during that period, were you still engaged in gathering statistics and doing field work? A. Mostly gathering statistics.

Q. And it was Mr. Harrison who expressed the judgment as to value? A. Mr. Harrison was the man who expressed final judgment.

Q. And that lasted until 1912? A. About 1912, as I recall it. He lost his hearing about that time, became so deaf that he was incapacitated.

Q. In 1912 you were first employed by Jersey City, were you not? A. In 1912, yes.

Q. And you have been employed by Jersey City continuously since that time? A. Yes.

Q. Your work has been to make appraisals particularly of water front property for the city's A. Not entirely. My work as harbor engineer was taking charge of the development of all the city's water front and taking charge of the buying, leasing and selling of the city's water front property, and particularly in an advisory capacity, consultation with different city authorities as to rental values, leasing

values. I also had charge of all improvements made on the water front properties by the city.

Q. Was your work of appraisal for the city incidental to your work in development, or was your work in development incidental to your work in appraisal? A. I was first appointed as an engineer by the Harbor Board. That was in the latter part of Whitman's administration, just prior to commission government, and when commission government came in, the Harbor Board was abolished, but I was retained as harbor engineer and it was after—I forget just what year that was, a few years after, about 1913 or about 1914, I think, that I was engaged by the tax department. In other words, they thought they discovered me as a water front expert.

Q. That is, the city first discovered you as a water front expert in 1914, is that true? A. In other words, they first began to realize that they had a water front expert engaged as harbor engineer.

Q. Your principal work for the city as harbor engineer has always been in the matter of development of the water front, isn't that true? A. Well, there hasn't been so very much of that. I think in the last few years my principal work for the city has been in connection with the tax department.

Q. That is, in the last few years? A. Yes, the last—well, six years at least.

Q. That is, before the local assessors would make their assessments, you would appraise the property and hand those appraisals to the assessing department, is that right? A. Particularly on water front properties; each year they ask me to make an

appraisal of the water front properties and I give those appraisals to the taxing authorities.

Q. And did the city assessors accept your appraisals and value the property for assessment at your appraised values? A. Not always; sometimes they do and sometimes they don't.

Q. Well, have they lately, during the past two years? A. I think they have very largely.

Q. Practically entirely, have they not? A. I think so. I think that they—not in every case, but I think in a great many cases they have not assessed the property at as high values as I have appraised it.

Q. Well, does that apply particularly to this year and last year? A. Oh, I couldn't tell you as to exactly what years. Of course the figures themselves will show. I don't carry in my mind now just what the assessed valuation is on all of the properties. I think that quite a few of them are assessed at lesser valuation than I placed upon them.

Q. At the present time, Mr. Dunham, the properties are really assessed at your valuations, are they not? A. I am not so sure about that. I think that a great many of them are assessed a little below my valuation.

Q. Are you under a salary? That is, are you paid a salary by Jersey City as harbor engineer? A. Yes.

Q. And that also covers your services as an appraisal expert? A. Yes. I am not getting anything extra for it.

Q. Have you advised any of the State authorities as to what the value of this property was, this water front property? A. No.

Q. Have you had any connection whatever with the making of the present assessments? A. None whatever.

Q. That are under review? A. No.

Q. Now, you stated that you are familiar with the value of back lands. You are not a dealer in real estate in Jersey City, are you? A. No.

Q. Not engaged in the real estate business? A. No.

Q. Do you personally keep a record of the purchases and sales of real estate back of the water front in Jersey City? A. Through the taxing department I have a record of all sales made in Jersey City.

Q. That is the Jersey City Tax Department keeps that record? A. Keeps that record.

Q. And whenever you want to have recourse to it you go to the record and look at it? A. Yes.

Q. But you don't gather the statistics as to those sales yourself? A. I don't gather them myself, no. The record is gathered from the Court House and then transcribed and filed in the Tax Office.

Q. Who makes that record, do you know? A. There is a man named Otto Ambrie, I think, is the man who does it now.

Q. And that is your only source of knowledge of those sales of back lands? A. Not my only source, no. I have knowledge of sales through real estate dealers. I frequently meet them and ask them as to the valuation of properties, keep myself informed as well as I can.

Q. Of course that doesn't apply to sales generally; that is only particular sales? A. Particular sales which I happen to inquire about, yes.

New Jersey State Library

Q. Now, you said that you made a revaluation of the entire City of Jersey City. When did you do that? A. I did that during the past year.

Q. That is for the assessments for the year 1922? A. Yes.

Q. Did you make a revaluation of each parcel of property of the city separately, or did you do it by a general percentage of increase? A. I did it by increases in percentage in certain sections; some sections I analyzed, other sections I took broadly—

Q. Did you make—pardon me. A. —knowing of the general increase in valuation of a particular section as shown by sales. I analyzed all of the sales which I could get, and that, together with my general knowledge in connection with the assessors of those particular districts—in every case I consulted with the official assessor of every particular district.

Q. Do you know whether the local assessors adopted your figures? A. I am not sure as to whether they did or not, but I went over all of the sales and consulted with the assessor of the different districts and then we consulted with Commissioner Gannon and with the chief clerk of the Taxing Department and concluded as to what percentage of increase that section ought to bear.

Q. Did you make any horizontal increase whatever over the entire city? A. No. Only in certain sections; some sections we didn't increase at all.

Q. Well, was there—speaking not now of land alone but of properties generally, were there any horizontal increases over the entire city? A. There was a general increase on buildings.

Q. Of what percentage? A. Well, that varied in different sections, depending upon the type of building.

Q. Do I understand that you increased the various sections of the city by a horizontal advance? A. No, only by sections, in other words—

Q. That is what I mean, Mr. Dunham. A. Some sections was a straight ten per cent increase.

Q. Yes. A. Other sections might have been a fifteen per cent increase.

Q. Yes. A. Other sections might have been twenty-five per cent increase, and in land sections in some places increases were as high as one hundred per cent.

Q. So that in every section you made a horizontal increase on land and on buildings, the percentage of increase on land being different from the percentage of increase on buildings.

Mr. Stout: Just a minute. What do you mean by horizontal?

Mr. Bain: Applying to the whole district alike.

Mr. Stout: I didn't know horizontal run that way. I thought horizontal run straight up and down.

Mr. Stallman: That is vertical.

Q. Let me ask, Mr. Dunham, you understand what I mean by horizontal? A. I think I know what you mean by—

Q. That means, Mr. Dunham, doesn't it, that all of the buildings in a particular section were increased by the same percentage? A. All the buildings within a certain section were—the increase on buildings was generally similar.

Q. Yes. And all of the land— A. For instance, if we got an apartment house section or a residential section, like the Bergen section, where it is generally one class of property, residential property, there was about the same percentage of increase put upon buildings within that district and down town where we get a lot of cold water flats why, in some of those sections, there was no increase made.

Q. On buildings? A. On buildings at all, and in some cases there was no increase made on land where we considered the land was assessed high enough.

Q. That is in the down town section? A. Some down town sections.

Q. But in the Bergen section you increased the buildings generally? A. I think there was a general increase put upon the buildings in the Bergen section.

Q. That was the way the increase was made, wasn't it, Mr. Dunham, by taking the various sections and increasing the value of all buildings of a class in that section by the same percentage, and increasing the value of all the land in that section by the same percentage? A. Yes, but that was—the only way we could determine that by percentage was to determine the value of the land and compare that with the old assessment.

Q. Let me put a concrete—pardon me. A. In other words, we had to determine what was the general value, average value of land within a certain section before we could determine the percentage of increase.

Q. Now, let me put it this way— A. —that they should add.

Q. Now, let me put it this way, speaking now of the Bergen section; assuming that you have two lots of land side by side, one lot being 100 feet front by a hundred feet deep, and the other lot being twenty-five foot front by a hundred feet deep, would the value of both of those lots be increased by the same percentage? A. Yes, I presume it would, provided the—yes, on the assumption that the assessment was proportional before.

Q. Yes.

Mr. Stout: Mr. Bain, do you consider that going into qualifications?

Mr. Bain: I think so. It is the principle.

Mr. Stout: Then you have changed your mind since you have tried to qualify your own witnesses.

Mr. Bain: I think not.

Mr. Stout: I think so.

Q. Assuming, Mr. Dunham, in the Bergen section there were two apartment houses, one four stories and the other seven stories in height, one seventy-five feet front and the other a hundred feet front, would you increase the value of those two apartments by the same percentage? A. I don't think the value of those apartments were increased at all, because those apartment house problems were all threshed out on the renting propositions, and the values were fixed. Those large apartment houses did not enter into the general increase as against dwelling houses. In most cases I think you will find that apartment house values had been fixed and I didn't go into them at all. That was left to Commissioner Gannon, and his Renting Bureau.

Q. The city's assessments for this year, which we have been talking of, have not yet been confirmed by the County Board of Taxation, have they? A. I think not.

Q. The time for that has not yet arrived? A. No.

Q. And were you asked to appear and testify in this proceeding by the taxing officials of Jersey City?

Mr. Stout: I object to that as being immaterial, how he was brought here.

The President: I think that ought to be—

Mr. Bain: It is material to show interest.

Mr. Stout: Your witnesses too, if interrogated, would show interest by a per diem or by a stipulated sum.

Mr. Bain: You say that our witnesses show interest?

Mr. Stout: No, I said if they were interrogated they would show that interest. He is here and it doesn't make any difference how he is here.

Mr. Bain: I think it is material. The defense of these assessments purports to be by the State. I think we have a right to show whether or not the attempt to sustain them is being made by some other body than the State.

Mr. Stout: I say it is an improper question and I desire to have stated on the record that I, appearing as Deputy Attorney General, requested Mr. Dunham to appear here on behalf of the State to testify as to the values of these properties under review.

The President: Sustain the objection.

Mr. Bain: That is all. Have you any question?

Mr. Stallman: No.

Mr. Bain: We object to Mr. Dunham's testifying as an expert.

The President: It may be noted.

DIRECT-EXAMINATION continued by Mr. Stout:

Q. Mr. Dunham, in increasing the assessment of apartment houses in the city, you did not use the increase in rents as the sole element in arriving at the increased values of the property, did you?

Mr. Stallman: Objected to as leading.

Mr. Stout: Well, you generally lead an expert.

The President: You may answer, Mr. Dunham.

A. I did not value any apartment houses in Jersey City. The Taxing Department had already attended to that under the law which allows them to take into consideration the rentals.

Q. And in determining the increased values of other properties in Jersey City, you studied the sales of properties, of similar properties in the locality which you were reassessing or reappraising? A. Yes. This was very largely going over grounds which I had gone over in 1906 and in 1907, in the tax cases of those years, where we picked out particular sections of the city, appraised them and compared them with the assessed valuation. That was

the time that it was discovered that the City of Jersey City was assessed—different sections were assessed at various percentages of true value, ranging at anywhere from forty to seventy per cent, and as the result of those investigations the law was changed, requiring property to be assessed at its true value, 100 per cent.

Q. And these revaluations or reassessments that you have made for the year 1922, in your opinion are the values which you determined upon, the values of the property as of October 1, 1921? A. Yes.

Q. Mr. Dunham, as surveyor and harbor engineer of Jersey City have you made surveys of various pieces of property here under consideration? A. Yes.

Q. And as harbor engineer and city surveyor, do you not come in contact with people who are buying and dealing in shore front property? A. I do.

Q. And keep in touch with the development of the properties? A. Yes.

Q. And are familiar with the locations and physical characteristics of the property here under review? A. Yes.

Q. Well, now take up the specific valuations of each piece of property, starting with the New York Central. Mr. Dunham, what in your opinion, was the fair market value on January 1, 1921, of the terminal yard of the New York Central Railroad Company, at Weehawken?

Mr. Stallman: May I interrupt you, Mr. Stout, to ask whether you are going to offer the mimeographed summary of his appraisal?

Mr. Stout: Yes, when we get through; I want to ask these specific questions first.

A. I value that land as follows: The terminal yard has a frontage of about 6,712 feet on the Hudson River, an average depth of about 1,550 feet, and a total area of 241.225 acres, including the main stem. I value that at $17,907,425. I subdivide that as follows: 26.846 acres of land in the main stem at $75,000 per acre, $2,013,450. 210,690 acres of land in second class, at $75,000 per acre, $15,801,750. 3.689 acres of land in second class in the back of the yard on the side hill, at $25,000 per acre, $92,225.

Q. In arriving at your valuation, did you zone the property for the purpose of arriving at your valuation? A. No.

Q. Then, you have placed a uniform valuation per acre upon the terminal yard of the New York Central? A. Yes.

Q. And placed a uniform valuation upon the side hill lands in the rear? A. Yes.

Q. And you have valued the main stem running through that yard at the same average per acre as the lands through which it runs? A. Yes.

Q. Mr. Dunham, in arriving at this valuation, did you use any sale or sales? A. Yes.

Q. Did you consider all the sales of shore front property? A. Yes, I considered all sales of shore front property, sales of that class of property or comparable property. But the sales that were most helpful to me were four sales. One sale was the Cunard Terminal Corporation, the property at Weehawken purchased from the Delaware & Hudson Canal Company, August 26, 1920. This property was formerly used as a coal terminal—

Q. Don't describe the property. I just want to know the sales. A. All right. The other sale was, there were two sales made to the New York State Realty & Terminal Company, one from the Edgecliff Realty Company, March 24, 1920, and the other from the Lord Construction Company, March 26, 1920, aggregating $1,500,000 for the two properties. The other sale was a sale to the Luckenbach Terminal, Incorporated, the property at North Bergen purchased from Alexander J. Shamberg, April 29, 1920, for $1,750,000, and taking in connection with that the lease from the State of New Jersey dated March 21, 1921, with the option to purchase at the principal sum of $1,250,000 within a term of fifteen years.

Q. Why did you find those sales the most helpful in arriving at the value of the terminal yards of the New York Central? A. Well, those are the properties that are more nearly comparable with the terminal yards, and they were the latest sales, all being made during the year 1920, and all fairly comparable property.

Q. Will you describe the physical characteristics of the terminal yard of the New York Central? A. The terminal yard of the New York Central was made up of several purchases of undeveloped shore front properties, properties lying between the bluff and the river, a large part of it being meadow land. The property on which the ferry is located belonged to the Brown estate. I recall that as a boy. It was known as Day's Point. The Open Cut and General Storehouse Company was the company who first began purchasing there for the railroad, and there are sales made to the New York, Ontario & Western and other agents of the railroad company.

The railroad then acquired the grants from the State in front of these lands, and then proceeded to bulkhead, fill it in, dredged it out and developed it by building piers in the front and establishing a railroad yard in the back. It was primarily a railroad terminal development.

Q. And was on January 1, 1921, an improved piece of shore front property? A. Yes.

Q. Filled in and bulkheaded and devoted to a railroad use? A. Yes, and approached by a main stem of the railroad through a tunnel under the hill.

Q. How is this property located as to accessibility? A. The property is not particularly accessible except for the uses of the railroad company itself and its ferry. The only access to the property is by the Clifton road leading down from the boulevard to the southerly end of the property, to the ferry, and another road leading down from the boulevard and Sixteenth Street down the side hill into the upper end of the yard and there connecting with the river road. The southerly end upon which the ferry is located—the trolley cars and busses come to that point. But the northerly end is only accessible by pier. There used to be a ferry operated there from New York, but I understand that that has been discontinued.

Q. And in your opinion this property is comparable with the land involved by the purchase of the Cunard Steamship Company? A. It has all of the—

Q. Well, is it or is it not? A. —all the same basic characteristics as the other property, but this is a developed improved property and the others are unimproved.

Q. Which property in your opinion is more favorably located? A. The southerly end of the West Shore yard, or the ferry of course, is more favorably located on account of access, but there isn't very much difference outside of the question of access as to location; for any other purpose than a railroad use, why of course, accessibility is a very large factor in the value, but here is a case where the railroad—in this particular case the railroad had to get its own access, it had to make its own access.

Q. Well, would you say these properties, that is the property involved in the Cunard purchase and the Terminal Yard of the New York Central, compare favorably as to location and surroundings? A. Yes.

Q. Do you consider or is it your opinion that the purchase by the Cunard Steamship Company was at market value at the time of the sale? A. Yes, I think it was.

Q. Will you analyze that sale. First, will you give us the physical condition of the property involved in the Cunard purchase at the time of the sale? A. Yes. I made a survey of the property, a very extensive survey, and not only made a survey but made soundings and borings and determined depth of water and got all of the data which would be necessary for the Cunard Company to prepare plans for the improvement of the property. This property was formerly used as a barge canal terminal by the Delaware & Hudson Canal Company, but was abandoned for such use many years ago. At the time of the sale the improvements were obsolete and in such a dilapidated condition that they were of no value, and would have to be removed in order to make the property suitable for a steamship

terminal. This property at the time of the sale had a frontage of 1,102 feet on the Hudson River, a depth of about 1,230 feet and an area of 1,325,000 square feet or 30,418 acres. The price paid was $2,204,000, or at the rate of $2,000 per front foot, which is at the rate of $1.66 per square foot, or $72,450 per acre.

Mr. Bain: Just give that acreage value again, Mr. Dunham.

The Witness: $72,450.

A. (Continuing.) The Cunard Company—

Mr. Stallman: What area did you figure that?

Q. Is that the surveyed area? A. That is the surveyed area. That was 30.418 acres. The Cunard Company applied to the State Board of Commerce and Navigation and was granted an extension of the old grant to the new pierhead line adopted by the State October 28, 1897. This extension was granted October 18, 1920, and the price paid the State was for 1,050 feet at $50 per foot, or $52,500. This added 210 square feet or 4.821 acres, and 200 feet to the depth of the property. If that is used as the selling price of the property it would make the total price paid $2,236,500, and the total area 35.239 acres, and the cost per acre $64,034. And then adding to the depth of the property, making the average depth —extending the pierhead line back an average of 1,430 feet. At the time of the sale what they paid for the property in my estimation was $72,450. They then, upon payment to the State of $50 a front foot, added valuable property to the front of the acquisi-

tion and in my judgment—so that they paid the State $50 for the right to go out but that did not represent the value of the land they received from the State. However, if you assume that that was the value of the land, even at that rate the property was—they paid $64,000 per acre for it.

Q. And in comparing the Cunard purchase with the terminal yard of the New York Central, you used the basis of value of the Cunard at 64? A. Yes.

Q. What are the sources of your knowledge as to the consideration and the facts surrounding that sale? A. Well, my only knowledge of it is that before the sale was made, and when the contract was made out, the price of $2,000 per foot was agreed upon and so stated in the contract. But the amount of frontage was left blank so that the principal sum hadn't been determined, but it was agreed upon between the Cunard and the Delaware & Hudson Canal Company that the frontage I determined should be the price upon which they should pay. In other words, whatever frontage I determined was to be multiplied by 2,000 and that would be the full consideration for the property. I determined upon the survey that the frontage was 1,102 feet, and you will see by the consideration in the deed they paid for 1,102 feet at the rate of $2,000 per acre—

Mr. Bain: Per front foot?

The Witness: Per front foot.

Q. Now, Mr. Dunham, you put an average valuation upon the terminal yard of the New York Central of $75,000 an acre? A. Yes.

Q. And you consider the Cunard property at a market value of about $64,000 an acre? A. Well, I took that, the first sale as representing the market value. In other words, I think that the price paid to the Delaware, Hudson & Canal Company at the rate of $72,450 was nearer a market value of the property.

Q. Well, in your opinion, what is the difference in value per acre between the Cunard property as of January 1, 1921, and the terminal yard of the New York Central? A. Why, I fix the terminal yard of the New York Central at $75,000 per acre. So that the difference in the value of the two is at least $11,000.

Q. And how do you account for that difference in value? A. Why, one is an improved property with the full access, going property, and the other is an unimproved piece of property with poor access, and practically dead property.

Q. In other words, in your opinion it would cost to put the Cunard property in the condition that the New York Central—

Mr. Stallman: Now, I object to that.

Mr. Stout: Wait until I finish.

Mr. Stallman: I think Mr. Stout ought not to tell Mr. Dunham what is in Mr. Dunham's mind in making up these appraisals.

Mr. Stout: All right, I don't think I am able to do that. I will let Mr. Dunham answer and tell us how you account for this difference in value.

A. Well, the difference in value between the two properties, of course, is the difference in value between an improved property and an unimproved property.

Q. Now, Mr. Dunham, will you compare as to location the lands involved in the terminal yard of the New York Central with the lands involved in those two purchases by the New York State Realty & Terminal Company—as to location? A. Well, the location of the property purchased by the New York State Realty & Terminal Company is practically the same as the upper or northerly end of the West Shore yard of the New York Central. It has the same means of access. It is a little bit further up the river, and, in fact, the access to the New York State Realty & Terminal is not quite as good as that, to the upper end, on account of the poor condition of the river road by which you have to approach it, but for all practical purposes, I should say the land purchased by the New York State Realty & Terminal Company—in other words, the New York Central Railroad Company—is fairly comparable with the northerly end of its yard which is located only a few hundred feet south of this property, except that one is an unimproved property and the other is an improved property. The property purchased by the New York State Realty & Terminal Company, the two tracts contain about—

Q. Just a minute. You see, we were taking up the location. A. Yes.

Q. Now, will you analyze the sales of the two properties purchased by the New York State Realty & Terminal Company? A. Those two tracts, the one was 400 feet in width in front and the other was 600 feet, were purchased within two days of each

other, and at an average rate of $1,500 a front foot, and there was a thousand feet, which made the total purchase price $1,500,000. This property had an average depth of about 1,050 feet and an area of about 23.1 acres so that the price paid was at the rate of $65,000 per acre with the exception of an old stone dock that was formerly occupied by a lumber yard, this property is unimproved and land under water.

Q. And your difference in value as indicated by your appraisement, is the difference between an improved piece of property and an unimproved piece of property? A. Yes. I say that the West Shore yard as compared with this property is worth $10,000 per acre more, as being a fair difference in value between a property unimproved and improved.

Q. Do you consider the two purchases by the New York State Realty & Terminal Company to be at the market value? A. Yes.

Q. What are the sources of your information or knowledge as to those sales? A. Well, as to the sales I haven't any particular information on them except the record of the sales themselves, and from what conversation I have had with Mr. Meeks, who formerly owned a part of this property and seemed to be familiar with everything going on there. The property being purchased in two strips from two different owners would indicate to my mind that this was the fair market value.

Q. When were those sales made? A. They were made within two days of each other—

Q. No, but I mean what year? A. One was in March 24, 1920, and the other on March 26, 1920.

Q. And the Cunard purchase was also a contract made— A. The Cunard purchase was in August, August 26, 1920.

Q. The other sale that you say was very helpful to you in arriving at the value of the terminal yards of the New York Central was the sale by Shamberg to Luckenbach, is that right? A. Yes.

Q. How does that property involved in that sale compare with the terminal yards of the New York Central as to location and accessibility? A. Well, it is considerably further north, in fact it is about three-quarters of a mile north of the upper end of the yard, and I don't think is worth quite as much money per acre as the West Shore yard.

Q. Is this property involved in the Luckenbach purchase improved or unimproved property? A. It is an unimproved property with the exception of an old pier that was on it about 40 feet wide. That had been there for some time, in fact the old Bulls Ferry dock, the old Bulls Ferry stone dock was located there in early years and they used to operate a ferry from it.

Q. And what was the selling price per acre? A. Well, that property was sold by Shamberg for $1,750,000 and a lease was taken from the State for the lands under water for a term of fifteen years at seven per cent on the principal sum of $1,250,000, that lease being convertible into a grant at any time within the period of the lease for the amount, $1,250,000. That would make the total value of the property three millions of dollars, adding the value of the lease to the price paid to Shamberg for the balance of the property.

Q. And what acreage valuation would that— A. Well, I made a survey of that property for Mr. Shamberg before he sold it. This property—do you want me to analyze the property?

Q. Yes. A. This property has a frontage of 1,622 feet on the Hudson River, and it had an area of 52.94 acres between the original high water line and the pierhead line. It has a frontage of 1,180 feet on the Hudson Boulevard, and an area of 19.65 acres between the Boulevard and the original high water line. That is excluding the area of the roads and the railroad. I analyze this property, this 19.65 acres of upland I divided as follows: There is 4.5 acres between the Boulevard and the edge of the quarry. There is three acres between the railroad and the high water line and there is 11.25 acres of sidehill in quarry. I valued this upland as follows: 5.4 acres, or 47 lots on the Boulevard, 25 x 200 each at $2,000 per lot. That is $94,000. Three acres between the railroad and the shore line at $50,000 per acre. That is $150,000. And 11.25 acres of sidehill in quarry at $10,000 per acre. That is $112,500, making a total of $356,500 as the value of the upland portion of this property. And I valued the land under water, 52.94 acres, at $50,000 per acre, making $2,647,000. This gives the total of $3,003,500 or within about $3,500 of the actual value that is indicated by the lease and the sale. That would make the cost of the land or the value of the land between the pierhead line and the railroad, that is, including the land under water, and the three acres of land between the water and the railroad, making an area of 55.94 acres or $50,000 per acre, or $2,797,000. This property has a frontage of 1,622 feet, and that would be at the rate of

$1,725 a front foot. The average depth of this property from the pierhead line back to the railroad is 1,550 feet, and that is just about the average depth of the West Shore yard. So as to depth the properties are comparable. As to frontage, it has 1,622 feet as against 6,712 feet frontage of the West Shore yard and the property is located about three-quarters of a mile further north.

Q. So, your difference— A. My judgment is that for that reason it is worth a little less than the property of the West Shore Railroad.

Q. Is your difference in value between the Luckenbach property and the terminal yard of the New York Central one of condition of property and location? A. Yes. The Shamberg property, of course, and the Cunard property and the property purchased by the New York State Realty and Terminal Company are unimproved properties, and the property of the New York Central Railroad Company is a fully developed and improved and going property.

Q. Will you tell us, Mr. Dunham, how you arrived at the value of the sidehill lands of the New York Central Railroad here under consideration? A. Yes. There was a small acreage involved in that, near the entrance to the tunnel. I value the general average value of the sidehill property of the West Shore lying between the terminal yard and the Boulevard at $25,000 per acre. I put this 3.689 acres at the general average value of the entire sidehill property, which is not used—the larger part of which is not used for railroad purposes.

Q. Then, Mr. Dunham, after arriving at an average acreage valuation for the terminal yard, and an average valuation for the land on the slope or side-

hill, then did you divide the property into parcels as assessed and place that average acreage valuation on each parcel? A. Yes. I have attached to my appraisal a schedule which corresponds to the different tracts set forth in the schedule prepared by Mr. Ryer, who covered all of the properties and I followed his schedule, and for the purposes of comparison I have set opposite each one of the items the rate per acre and the total value, not indicating the value of each one of those particular parcels, taken alone, but indicating my average value of the entire tract, and that value apportioned against the various tracts in proportion to the area.

Q. Mr. Dunham, in your opinion, as you go south from the terminal yard of the New York Central to the exchange yard of the Pennsylvania Railroad Company, do the lands generally increase or decrease in value? A. They generally increase in value.

Q. How much of the shore front property between the New York Central or from the north line of Hudson County to Exchange Place, Jersey City, which was not owned by railroads or steamship companies, has been sold between 1916 and 1921? A. Why, I have compiled a schedule here which shows that between the years 1915 and 1921, there was sold on the Hudson River in Hudson County 8.682 feet of frontage. That means that 25 per cent of the entire frontage on the Hudson River in Hudson County, was sold between 1915 and 1921.

Q. And, Mr. Dunham— A. It also means that practically every—all available property was taken out of the market.

Q. Between 1915 and— A. Between 1915 and 1921.

Q. What, in your opinion, would be the effect upon the value of shore front property between the north line of Hudson County and Exchange Place to have taken this property out of the market? A. Well, you can't exhaust the supply without increasing the cost, and it is all a question of supply and demand in the values of these properties, and when you take out of the market each year a piece of land, it necessarily limits the sales of property to that which remains, and when you get to the point where you have absorbed it all, why necessarily the value of all of it has risen because there is nothing left.

Q. In other words, you have to look then for competing properties elsewhere? A. You have to go elsewhere.

Q. And what effect does that have on the value of properties located elsewhere in the neighborhood? A. It increases the value of all competing property, whether it is a higher class property or a lower class property. It limits the market.

Q. In your opinion, Mr. Dunham, is there such a comparability or substantial similarity between all of the properties on the Hudson River shore front from the north line of Hudson County to Exchange Place that they become competing properties? A. Absolutely, they are all competing properties and they are all comparable.

Q. And by comparable you mean substantially similar? A. Substantially similar. They are like a business street.

Q. You have covered all the valuations that you have set out in your schedule of appraisal of the New York Central? A. No; there is a couple of items of main stem properties that I haven't yet testified to.

Q. Well, will you give us your opinion and value of these main stem properties as of January 1, 1921, and your facts and reasoning as to valuation? A. Yes. I valued the main stem of the New York Central Railroad, or the New Jersey Junction Railroad Company, extending from Park Avenue, Weehawken, to the south side of the terminal yard as follows: 13.683 acres of land in main stem at $75,000 per acre, $1,026,225. I valued the main stem from the north side of the terminal yard to the county line as follows: 6.113 acres of land in main stem at $75,000 per acre, $458,475. That comprises all of the main stem, and for the purposes of making an easier comparison with the schedule presented by Mr. Ryer, I have subdivided that as near as I could to compare to his items.

Mr. Bain: I object to this characterization of items as those of Mr. Ryer. They are not. They are following the State Board's—

Mr. Stout: Well, I am glad to know Mr. Ryer is following the State Board.

Mr. Bain: Following the State Board's parcels—

Mr. Stout: Yes, sir.

Mr. Bain (continuing): —as assessed. It is the point that we have made before, that we have been called upon to produce evidence as to value of particular parcels.

Mr. Stout: Yes. Well, we won't quarrel about it any longer.

The Witness: Well, he hasn't done that in every case. He didn't do that in the case of the main terminal yard.

The President: It is now twelve o'clock, gentlemen, and the Board today is required to confer at twelve-thirty. If there is no objection on the part of counsel and witnesses, we shall now adjourn until 1:30, or if you care to continue until 12:30, Mr. Stout, you may.

Mr. Stout: Well, I was about through with the witness in respect to the lands of the New York Central.

The President: You are about finished, are you, Mr. Stout?

Mr. Stout: Yes.

The President: You would have to open up some new vista now?

Mr. Stout: Well, I suppose that my enemies now are about to destroy it.

The President: You are about to conclude, are you?

Mr. Stout: Yes.

Mr. Bain: Well, I assume Mr. Stout will go right along with his whole case with this witness.

Mr. Stallman: Yes; don't break up the case.

The President: Well, gentlemen, suppose we adjourn to meet at 1:30.

A recess was here taken until 1:30 P. M.

After recess.

FREDERICK DUNHAM resumes the stand.

Direct-examination continued by Mr. Stout:

Mr. Stout: I offer in evidence the appraisal of Frederick Dunham of the properties of the New York Central Railroad Company here under review.

Mr. Bain: That is a schedule of the appraisals to which he has just testified?

Mr. Stout: Yes.

The President: Yes.

Paper above referred to received in evidence and marked Exhibit S1.

Q. Mr. Dunham, what in your opinion was the fair market value of the terminal yard tract of the Delaware, Lackawanna & Western Railroad Company, located at Jersey City and Hoboken as of January 1, 1921? A. $22,702,920.

Q. Will you analyze the valuation of the main tract? A. I valued that tract as follows: This terminal yard has a frontage of 2,600 feet on the Hudson River, an average depth of about 3,200 feet, and a total area of 189.191 acres, including the main stem and the ferry. For the purposes of comparison with the State Board's parcels, I have apportioned the value of the yard in proportion to the area of the several tracts, all at the average rate of $120,000 per acre. The first tract was 3.240 acres of land in main stem located at Jersey City at $120,000 per acre, $388,800. 3.728 acres of land in main stem at Hoboken at $120,000 per acre, $447,360.

Mr. Stallman: You are going to offer this sheet, aren't you?

Mr. Stout: Yes.

Mr. Stallman: There is no use reading it twice.

Mr. Stout: Well, it won't take but another minute.

Q. Go ahead. A. 131.840 acres of land in second class, Jersey City, $120,000 per acre, $15,820,800. 40.068 acres of land in second class, Hoboken, at $120,000, $4,808,160. 10.315 acres of land in second class, Hoboken, that is the ferry tract at $120,000 per acre, $1,237,800, making a total of $22,702,920.

Q. Now, Mr. Dunham, in arriving at your valuation of this terminal yard of the Delaware, Lackawanna & Western Railroad Company, did you separate it for the purpose of appraisement or did you appraise it as one unified tract? A. I appraised it as one tract in one ownership and in one unit.

Q. And then apportioned that to the areas as assessed? A. Yes.

Q. By the State Board? A. Yes.

Q. How did you arrive at the valuation of this terminal tract of the Delaware, Lackawanna & Hudson? A. I arrived at the valuation of this terminal tract by taking into consideration all of the sales of comparable property on the shore front, particularly the sales in North Bergen, to which I have heretofore testified in the case of the New York Central Railroad; taking into consideration the sales of property in Hoboken, the property to the Manor and the Ocean Steamship Company, tracts to the Lackawanna Railroad, which tracts are here under review, taking into consideration the sale of property in Jersey City to the International Elevating

Company. I also took into consideration the location and area of this terminal yard as related to other terminal yards upon the river. I considered the Lackawanna yards, located in Jersey City and Hoboken, to be worth sixty per cent more per acre—

Mr. Stallman: What percentage?
The Witness: Sixty per cent more per acre.

A. (Continuing.) —than the yard of the New York Central at Weehawken and West New York.

Q. How do you arrive at that increased valuation for the D., L. & W. yard over that of the New York Central yard at Weehawken? A. The yard of the New York Central at Weehawken is only an average of 1,550 feet and has behind it the Palisades. The main portion of the townships or towns behind it are at an elevation of one hundred feet or more beyond or at least above the elevation of these yards and therefore mean nothing to the yard. There is nothing adjacent to the West Shore yard that is really affected by the yard so far as valuation is concerned. What I mean by that is that the West Shore yard is peculiar in this respect, that it has a ferry; it has the trolley terminals; it has the bus terminals, but it has absolutely nothing there to benefit from those facilities. It is merely a railroad yard with a ferry. Now, in the case of the Lackawanna yard, it backs upon the City of Hoboken and the City of Jersey City. In other words, the developed city is behind and alongside of this yard, and the yard takes upon itself all the advantages of access and city development and city improvement that go with

those things. In the case of the ferry property of the Lackawanna Railroad, I haven't attempted to value that as a ferry proposition. I have merely valued the ferry as a part of the railroad yard, as a part of the railroad operation, and I haven't attempted to allocate to the ferry property any of the high values surrounding it which were created by the ferry, and, in my judgment, the location of the Lackawanna yard, its location in the port, its location with respect to the mouth of the river, its location with respect to the City of New York, its ready access by land and by water, and all of those things that go to make values is, in my judgment, an element of value, and there are so many different things that go to make up values around this yard which don't apply to the New York Central yard that I think that this yard of the Lackawanna is easily worth per acre sixty per cent more than the New York Central yard.

Q. In arriving at your valuation of the Delaware, Lackawanna & Western Railroad yard, you considered those two sales of the Manor Company and the Ocean Steamship Company to the Hudson—what is it, Realty & Terminal Company? A. Yes, Hudson Realty Company.

Q. The Hudson Realty Company. Did you consider those sales? A. Yes.

Q. Compare the lands involved in those two sales with the land in the terminal yard of the Delaware, Lackawanna & Western as to location? A. The two properties that were sold to the Hudson Realty Company, one purchased from the Manor and the other from the Ocean Steamship Company, are located a considerable distance north of the Lackawanna yard, about ten blocks north. Those prop-

erties are located on the Hudson River between Tenth and Twelfth Streets, Hoboken. As a railroad proposition, or a railroad terminal, there is no comparison to be made between the two properties, and of course, these properties located between Tenth and Twelfth Streets are practically restricted as to use. In other words, they are not susceptible for development as a railroad yard. They back up upon the residential part of Hoboken, and are more or less restricted as to the character of their use, that being so largely because of the zoning effect of the City of Hoboken.

Q. How do they compare, the lands involved in those two sales compare with the lands involved in the Cunard purchase? A. Those two properties are subject to the same differences, except that the access for any other purpose than a railroad yard is much better than the access to the Cunard. In other words, the properties purchased by the Lackawanna between Tenth and Twelfth Streets might be very desirable properties for an exclusively steamship terminal, or for a terminal, steamship terminal and warehouse use, or maybe for a light manufacturing use. But I should say that because of those reasons there would be a little difference in value. I think that these properties are worth perhaps fifty per cent more—not fifty per cent, between twenty-five and thirty per cent, more than the property purchased by the Cunard. They would not be worth more for a steamship terminal because they haven't the same depth and the same width and the same freedom of development as the other properties, but I think for a warehouse, steamship, limited use or

light manufacturing use, that they are more valuable. I have placed a little higher value on this property than I would have placed upon the Cunard, although I don't think that there is very much difference in their value, if developed.

Q. Do you consider the lands involved in these two sales to the Hudson Realty Company were made at market value at the time of the sales? A. I think at the time of the sales in 1915 and 1916, that that was about the market value of those properties.

Mr. Stallman: You mean the purchase price was at market value?

The Witness: Yes.

Q. In your opinion, has there been an increase in the market value of lands located there between the time of the sale and January 1, 1921? A. Yes. I think that there has been an increase of at least fifty per cent in market value of that property between 1915 and January 1, 1921.

Q. What is the condition of the property involved in those two sales to the Hudson Realty Company? A. Why, one was the—used to be operated as a steamship property, but it had been abandoned, and, as I remember it, was in a very dilapidated condition at the time of the sale. In fact, one of the old piers was in such a condition that you could scarcely walk over it, and had to pick your way across it. The other pier was usable, but practically had exhausted its life; was not suitable for any real intensive use.

The other property from the Manor Company, that was formerly a part of the marine yard of the Pennsylvania Railroad in Hoboken, which they sold off. There wasn't very much of an improvement upon that property, and at the sale of that property they stipulated that a strip 75 feet wide on the south side of it is to be kept open.

Q. Well, the Manor Company is a holding company for the Pennsylvania Company? A. Yes.

Q. That was a sale of a railroad to a railroad? A. Yes.

Q. And the other was a sale of a steamship company to a railroad? A. Yes.

Q. And, in your opinion, the improvements which were on the land at the time of the sale added little or nothing to the value of the land? A. I don't think—

Q. Or the property? A. —they added anything to the value of the property.

Q. There is another piece or parcel of property of the Delaware, Lackawanna & Western under consideration, isn't there, ferry property, foot of Eleventh Street? A. There is another small strip of land adjoining the Fourteenth Street ferry in Hoboken, that is used by the railroad company I think as a sort of a repair yard for their boats, and that property has been assessed as second class for that reason. It is really a part of the ferry property, and I would value it as a part of the ferry property, being in one ownership. I valued that property at —let's see, there was an area of 1.525 acres, at $109,000 per acre, or $2 a foot, a square foot.

Q. How do you arrive at that valuation? A. That is the value which I think that has considering its relationship to the other properties which I have valued. I place a valuation of $2 per square foot upon the Ocean Steamship and Manor tracts of the Lackawanna, or at the rate of $87,000 per acre. And the other property, being north of that, very close to 14th Street, I value at $2 a foot, per square foot, or at the rate of $109,000 an acre.

Q. Mr. Dunham, you have stated that in arriving at your value of the D., L. & W. terminal yard you considered the sale of the American Coal Company to the International Elevating Company? A. Yes.

Q. Which sale was made in 1916, property at the foot of Morgan Street, isn't it? A. It is property at the foot of Morris—

Q. Of Morris Street, I mean. A. —and Essex in Jersey City, south of the Exchange Place ferry.

Q. Will you analyze that sale? A. Well, that sale was somewhat peculiar, I think, and somewhat complicated. As I understand it, what they got—

Mr. Stallman: Now, I object to any understanding on the part of the witness for the reason that the deed or description of that sale has already been offered in evidence and is in the record, and that document shows exactly what was conveyed.

Mr. Stout: I say in answer to that, that the deed describes eight lots, part of two piers, and such rights as the seller has in the land and the land under water in front thereof,

and there is nothing here definite to determine just what it is, and I think before we criticize the answer that the witness is going to make we had better hear what it is.

Mr. Bain: Well, I object. If the answer calls for a statement by the witness as to what was included in the deed for the property mentioned, as a matter of law, this witness is not qualified to express a legal conclusion.

Mr. Stout: We admit that, and I question whether the lawyers here are capable of determining that, and the witness is not going to reach any legal conclusions. I think we had better let the witness testify, I submit to the Board, and let us see whether he has violated any principle of law.

Mr. Stallman: Well, we call for the best evidence, then; if there is any extract of the deed let's have it.

Mr. Stout: We are not going to criticize the deed. Just let the witness testify and we will see.

Mr. Bain: Well, what is the object of the question; what is the purpose of the question?

Mr. Stout: To analyze this sale.

Mr. Bain: Well, analyze it by stating what this witness considered was sold?

Mr. Stout: No, no, no.

Mr. Bain: Well, reserve my right to strike out any part of the answer that attempts to state a legal conclusion.

The President: What is the question?

Mr. Stout: I would also join with you in that motion.

(Question and answer read as follows):

"Q. Will you analyze that sale? A. Well, that sale was somewhat peculiar, I think, and somewhat complicated. As I understand it, what they got—"

Mr. Stout: Well, just leave out your understanding.

The Witness: All right.

The President: Answer it, Mr. Dunham.

The Witness: That sale, as I read the deed, conveyed eight lots of land lying behind the bulkhead, the half, the southerly half of Morris Street pier, the northerly half of the Essex Street pier, and such rights as the grantor had or may have in the lands under water in front thereof.

Q. Now, then, Mr. Dunham, if the purchaser, the International Elevating Company, got under that deed four and a fraction acres of land, as testified to by the witnesses for the railroad companies, and the purchaser got a fee and an exclusive right or absolute right to use the lands under the water front of the upland, was that sale, in your opinion, at market value? A. It was not.

Q. Well, do you think it was too high or too low? A. I think it was too low.

Q. How does the land, or rather, the property involved in that sale compare with the lands of the D., L. & W.? You said you used the International sale.

Mr. Stallman: I object to that question on the ground that the witness has already

stated that he doesn't know what was conveyed, and unless he knows what was actually conveyed, he can't draw a comparison of value between this property and some other property.

Mr. Stout: I think the witness can answer a hypothetical question assuming—since nobody knows what was conveyed by that deed, assuming that they did get, as I stated, the witness is qualified to testify by making comparison.

The President: The question may be answered.

A. The sale of this International property at $300,000 isn't very helpful in determining the value of other property in that neighborhood, unless you can determine exactly what they got under the deed.

Q. Well, assume that they got four and a fraction acres? A. If they got four and a fraction acres, 4.3 acres, as I figure it under the deed, they paid at the rate of $70,000 per acre. That, in my judgment, was not the market value at the time it was sold. I think—

Q. Do you know of anyone who would have paid more for it?

Mr. Stallman: That is objected to, because that calls for a conclusion, and is not evidential. Courts have always excluded any questions of that kind.

Mr. Stout: It seems to me that source of knowledge of the witness to arrive at the market value of the piece of property—

Mr. Stallman: You know, Mr. Stout, as well as you know anything, and I think you know some law—

Mr. Stout: Thank you for the compliment.

Mr. Stallman (continuing): —that you can't prove offers when it comes down to a question of valuation of land. Now, if there is any one thing settled by our Supreme Court and Court of Errors that has been settled.

Mr. Stout: And I am not attempting to do that. I am letting the witness use his sources of knowledge, what he knows about the sale and whether, in his opinion, more could have been obtained for the property at the time, and that, I think, is always this mythical sale that we have in mind, what would a willing seller, not required to sell, get from a willing buyer, not required to buy. You depreciate all of these sales, or your witnesses, you say that they are not at market value, and then you have got to use your opinion as to what was the market value, or your witnesses, rather, on the selling end. Now, we are just going the other way. You go down on them and we are going up on them, and I think it is just as fair to go up as it is to go down.

The President: Objection is overruled.

A. Assuming even that the $70,000 per acre was the market value of that property with the full price to the land under water, I should say that—at the time of the sale—I should say that as of January 1, 1921, that that property was worth at least

fifty per cent more than it was at the time of the sale. Assuming the sale value of $70,000 per acre to be right and adding fifty per cent to that, you have $105,000 per acre as the value of that land as of January 1, 1921.

Mr. Stallman: As against $70,000 at what date?

The Witness: 19—

Mr. Singer: 16, June 24th (handing paper to witness).

The Witness: June 24, 1916.

Q. Have you covered now all the properties of the D., L. & W. here under review? A. I think I have.

Mr. Stout: Well, then, I offer in evidence Mr. Dunham's appraisal as to the property of the Delaware, Lackawanna & Western Railroad Company.

Paper above referred to received in evidence and marked Exhibit S2.

The President: Pardon me, Mr. Dunham, I guess I must be obtuse on my knowledge of the topography in and around the Delaware. You mentioned the basin there. Is there a basin in that property?

The Witness: Yes. That is the tract known as the upper ferry basin.

The President: That is about south of the ferry house?

The Witness: South of the 14th Street ferry house.

The President: I always get the idea of basins in the lower part of the city.

Q. Next, we take up the Erie. Well, Mr. Dunham, in order to speed this thing along, on the first sheet of your appraisal which will be offered in evidence you have set forth the frontage and the average depth of the property and the area involved and your appraisal or estimate of the value of the property as of January 1, 1921? A. Yes.

Q. Will you tell us whether in appraising the property of the Erie Railroad Company here under review, whether you have valued it all as one tract or whether you zoned it for the purpose of appraisement? A. I valued it as one tract in one ownership and in one use.

Q. And could be devoted to some other use as one tract? A. Yes.

Q. And your average value per acre is how much? A. I placed upon the Erie yard the same value as I placed upon the Lackawanna yard, that is, an average value of $120,000 per acre, and the same methods of reasoning and the same sales which apply to the Lackawanna yard would apply to the Erie yard. That is so as to the terminal lands. The total area of the yard, the terminal yard has a frontage of about 1,300 feet on the Hudson River, an average depth of 3,200 feet and an area of 96.622 acres, which I have valued at the average value of $120,000 per acre. I have separated those different tracts to compare with the State Board's assessments and have apportioned against those tracts their proportionate values.

Q. In other words, you used the areas as indicated by the State Board in making up your assessments? A. Yes.

Q. And applied your average acreage valuation to each tract as assessed? A. Yes. I have valued

the main stem between Grove and Henderson Streets the same average valuation as I placed upon the yard. That is, that .924 acres of land in main stem between Grove and Henderson Streets at $120,000 per acre, or $110,880.

Q. Now, this testimony that you have given thus far is in respect to the terminal yard or tract of the Erie Railroad Company? A. Yes, known as the Long Dock terminal yard.

Q. Yes, known as the Long Dock terminal yard. I think I forgot to ask you whether in appraising the D., L. & W. terminal yard whether you appraised the main stem property there at the same average acreage valuation as you did the terminal tract outside of the main stem? A. I did.

Q. And you do that with the Erie? A. I do.

Q. And you do that with all main stem which runs through the tract of lands owned by the respective railroads? A. I do that in the case of all main stem properties located in the terminal yards.

Q. Now, in this Erie, we have main stem outside of the terminal tract, have we not? A. Yes; there is considerable main stem property and land adjoining main stem property, really excess width on the branches of the Erie which are located on the Kearny meadows. I have put that all in, all main stem and excess width in the Township of Kearny, I value at the average rate of $2,500 per acre, and—

Q. Now, will you tell us how you reached that valuation? A. That is the value which has been paid by the railroad companies for this class of property. The Pennsylvania paid it, and the Lackawanna paid it, and the Central Railroad of New Jersey paid it. And I testified for the Newark Factory Sites

Corporation, who are the owners of adjacent lands here, in the cases of condemnation of the Lackawanna Railroad Company for a strip of land on their right of way, just west of the Hackensack River, and at that time I informed myself from the data which was in possession of the Factory Sites Company, and I learned then what they fixed was the standard charge for rights of way across their properties and they fixed $2,500 as the standard charge for rights of way, and that is what they charged the Central Railroad Company of New Jersey further south—

Mr. Bain: Aren't you mistaken?

A. (Continuing.) The Newark and New York Railroad Company, between the Passaic and Hackensack River, at the Ford plant and the Federal Ship Company's plant, and that is what they charged the Pennsylvania Railroad Company for their switch in Kearny, that is, for the branch line in Kearny running into the Swift plant, and that is about what the Lackawanna paid for their excess width—in the condemnation; and that is the value which I put upon all of this main stem property, an average valuation of $2,500.

Q. In your opinion is main stem property when it runs through the lands of others than that of the railroads, referring to main stem, more valuable or less valuable than the adjoining properties on either side? A. It is more valuable.

Q. And why do you say that? A. Because of the damage which is done by reason of the separation of the properties by extending a main stem through it, and also by its continuity of ownership and use.

Q. In other words, it costs more on the market to acquire a piece of main stem land or a strip of land running through a large tract per acre than it would to buy the whole tract? A. As a general proposition. Sometimes that is true and sometimes it is not. Sometimes they buy at the value of adjacent lands and sometimes they pay from three to four times the value of adjacent lands. It depends largely upon the character of the lands and the character of the neighborhood. But as a general proposition, it costs from two to three times as much as adjacent lands are worth to acquire rights of way, and even then, after the rights of way are acquired and the tracks, the main stem tracks are located upon it and it comes into a main stem use, in other words a continuous ownership, a continuous, uninterrupted use, in my judgment it is worth at least twice as much as the adjacent lands.

Q. Have you covered now all the properties of the Erie Railroad Company here under review? A. I think that covers generally all the property of the Erie Railroad.

Mr. Stout: I offer in evidence the appraisal of Mr. Dunham with respect to the Erie Railroad Company's properties here under review.

Paper above referred to received in evidence and marked Exhibit S3.

Q. Mr. Dunham, we will next take up the Harsimus yard of the Pennsylvania Railroad Company. What in your opinion was the fair market value of that yard on January 1, 1921? A. The Harsimus yard has a frontage of about 1,830 feet on the Hudson River, an average depth of about 2,500 feet, and an

area of 105.517 acres. I value this terminal at the same value per acre as I do the Lackawanna and the Erie yards. For the purpose of comparison with the state board areas I value it as follows: 6.682 acres of land—

Q. I don't think, Mr. Dunham, it is necessary to read that because this is going to go into evidence. A. All right. The main terminal yard, do you want—

Q. Yes. A. The main terminal yard—

Q. Just a minute before we leave the Harsimus yard. You used then the same reasoning, the same sales and made the same applications in arriving at the value of the Harsimus yard as you did of the Erie and the Delaware, Lackawanna & Western yards? A. Yes.

Q. You consider those all competing properties? A. I think they are all comparable properties. They are all located in Jersey City on the Hudson River with the city behind them.

Q. Now, the main yard of the Pennsylvania Railroad Company at Exchange place, what in your opinion was the true value of that land on January 1, 1921? A. I value the main terminal yard at the average rate of $130,000 per acre.

Q. Will you— A. In my judgment that yard is worth $10,000 per acre, worth more, $10,000 per acre more than the Harsimus yard. It has a higher concentrated water front value than the other yards. It isn't as deep a yard and its location gives it a higher value.

Q. In your opinion is this the most valuable land on the Hudson River water front in Hudson County? A. It is the—I think the high value is located about at that point, although I am not prepared to say that

that is the very highest value. It may be that the values at the ferries at Hoboken are just as high. Maybe just as high.

Q. You didn't zone the Harsimus yard or the main yard of the Pennsylvania Railroad Company for the purpose of making your appraisement? A. No. I valued the land as held in one ownership and in one use.

Q. Did you separate the ferry land from the rest of the main yard of the Pennsylvania? A. No, I valued the ferry land right in with the yard as part of the yard.

Q. What is your reason for that? A. Well, it is operated by the railroad company and it is a part—it is railroad use.

Q. Now, will you refer to the property of the Pennsylvania Railroad Company known as the Greenville yard and tell us what in your opinion was the market value of the property on January 1, 1921? A. The Greenville yard I valued at an average valuation of $30,000 per acre. This yard has about 2,000 feet front on the New York Bay and has a depth of about 7,600 feet and a total area of about 355.86 acres, of which 12.731 acres is main stem. I valued it all at the average rate of $30,000 per acre. It is the yard of the New York Bay Railroad Company located just north of the Bayonne line. It is a piece of property that is approached by a channel from the main channel in the bay just south of—well, some distance south of Liberty Island and in the neighborhood of what is known as Oyster Island, at about two miles or so below the Battery.

Q. Is this Greenville yard an improved piece of property? A. Yes. It is developed and used as a railroad terminal.

Q. How do you arrive at the valuation of $30,000 an acre? A. I arrive at that value by putting a basic value of $20,000 per acre upon unimproved land, and adding $10,000 per acre as the value of the improvements. In other words, I think the improved land in that vicinity is worth $10,000 per acre more than the unimproved land, and the land improved in such a manner as this yard.

Q. Will you tell us what sales, if any, you used or were the most helpful to you in arriving at this valuation of $30,000 an acre? A. Yes. I took into consideration practically all of the sales in this vicinity. I also—I considered particularly the sales on the New York Bay near Constable Hook of—contract for sales of the Lehigh Valley Railroad Company to the Standard Oil Company, and John E. Andrus to the Standard Oil Company. Those sales were in 1919 and 1920. I also took into consideration the sale of the property to the Lehigh Valley Harbor Terminal Railway Company, the several tracts which were purchased by them about the year 1916; the sale of Morris & Cummings Dredging Company to the Lehigh Valley Terminal Railway Company, I considered the sale at market value at the time the sale was made. That sale was made for $7,500 per acre, plus the unpaid taxes and plus the cost of converting a lease into a grant. What they bought was the upland and the lease from the Morris & Cummings Dredging Company. That sale was taken in connection—

Q. How much did they pay per acre? A. Well, that would average all told, the amount of taxes paid, plus the conversion of the lease, plus the $7,500 paid to Morris & Cummings Dredging Company, just about $9,000 per acre.

Q. You also considered the sale of Livermore & Blair to the Lehigh Valley? A. I considered that sale. That is known as the Blair tract. It is owned by the Shaw estate, and I took into consideration that that sale was made at market value.

Q. What do you know about that sale?

Mr. Bain: I object unless the source of his information appears.

Q. What is the source of your information? A. The source of my information is a communication which the tax department received from the Commissioner of Taxes of the Commonwealth of Massachusetts stating what they had done in connection with the collection of an inheritance tax and how they valued the property and the amount of mortgage tax on the property. In other words, there was an appraisement made by the State of Massachusetts and the amount at which the property sold for was just about enough to pay off the mortgage and the back taxes—

Mr. Bain: Now, just a moment. I object to any statement by this witness as to the information he says he has received, first on the ground that it is pure hearsay, second on the ground that it is not evidential in this review.

Mr. Stout: In the first place, it seems to me that most of the information that an expert has is hearsay. They go gleaning around, gathering information where they can. If they got information from John Jones, they don't bring John Jones here and say, "I told you so," but they come here and testify what John Jones

told them. They go to the record and they make examinations there, and to my mind the evidence, or rather the opinion, of an expert is based upon hearsay facts in a great many instances.

Mr. Bain: There may be a certain latitude as to hearsay evidence on a review of this sort, but certainly that latitude does not include permitting a witness to testify as to information he got from the Jersey City Tax Department, which department in turn got that information from somebody else. I submit that that carries the latitude too far.

Mr. Stout: I understand it all goes to the weight of it, what weight this board will give to it, but he is testifying to his sources of information.

The President: I am inclined to agree with you, Mr. Stout. It is very hard to establish, as Mr. Bain says, the line of demarcation, but I think it is one of the sources of his knowledge.

Mr. Bain: Do I understand, Mr. President, that you are going to allow a witness on this review to testify to information obtained from the Jersey City Tax Department, which has an interest in this matter, unverified by this witness from the original source of information?

Mr. Stout: Well, do you want the Commonwealth of Massachusetts to come down here?

Mr. Bain: I submit that that kind of hearsay evidence is not permissible.

Mr. Stout: It seems so ridiculous now, when these railroad witnesses testify as to what they

know about steamships and piers and all that business over in Brooklyn. You know what is good for the goose is good for the gander, and the gander is now on the scene.

Mr. Bain: Well, I submit my objection and I stand upon it.

The Witness: Well, for the benefit of the Board, I would say that the communication received from the Commonwealth of Massachusetts is printed as an exhibit in full in the 1914 tax appeal cases before this Board.

The President: And you are a part of the taxing machinery of Jersey City, are you?

The Witness: Yes. It is part of this record of 1914.

Mr. Bain: It was not printed in any record with which I had anything to do.

Mr. Stout: Well, you didn't have to do with all the records, Bob.

Mr. Bain: Well, I am objecting to it so far as it now is attempted to bring that in in any cases in which I appear. The point of it is simply this, there is so much opportunity for error in information that comes in that way, that I am satisfied as a matter of law that it ought not be permitted.

Mr. Stout: I wish you had thought of that when your witnesses were testifying.

Mr. Bain: I don't recall a single instance in which any witness for the railroad company has attempted to state information of that kind. Now, take the origin of this thing. What is it? It is from information that the Jersey City Tax

Department is supposed to obtain from some department in Massachusetts, what department we are not entirely clear. What the information is may have no application whatever to the value we are determining. It may have been a value for inheritance tax purposes or something else. The witness has intimated that it concerned a mortgage. If there was a mortgage, the mortgage itself is the best evidence. That information is supposed to have gone to the Jersey City Tax Department. This witness is supposed to have gotten his information from that department. He can't say that the information he has got is the information that came directly from the Massachusetts Department, and even though he could, there is nothing to show that that evidence would be competent here. Now, it seems to me that you are taking the matter too far if you permit that sort of evidence.

The President: Is that character of information any less accurate than the general information that comes to the taxing official?

Mr. Stout: Why, no.

The President: It seems to me they gather it from every source. Its value, of course, is another thing.

Mr. Stout: Yes, this record is replete with information so called given by the witnesses for the railroad, talking to this man about a certain thing, or looking at a record in respect to a certain thing. If that isn't carrying it too far—then you would have to bring the man who made the statement here—"did you say

it?" There, understand, is more of an opportunity to misrepresent. Here comes the proof of a document which involved facts concerning this property known as the Blair tract. Now, understand, whether it is absolutely infallible, why, that is for this Board to pass upon the weight of it. But take the sources of knowledge which he has in arriving at the value of the property.

The President: It isn't any different than the transcript that would come from the recording officer of the country, indicating the consideration contained in the deed or the number of revenue stamps that indicate the consideration. Isn't it one of the means, one of the avenues, one of the methods or channels whereby the assessing official gets his information? I suppose they went in quest of it, and this was the reply they got. Was that the idea?

Mr. Stout: Yes, yes.

The President: Then why are we so captious in a matter of—

Mr. Stout: I don't know.

Mr. Bain: I renew my objection. I still insist that the evidence is incompetent, immaterial and irrelevant.

Mr. Stout: We are not attempting to prove the value of the Blair tract in this way, but we are having the witness state for the record the sources of his information as to the facts surrounding the sale of the Blair-Livermore tract. and I say that it is competent.

The President: The objection is overruled. The question may be answered.

A. My information on that transaction is that Commissioner Brensinger wrote to the tax commissioner of the Commonwealth of Massachusetts, asking him for facts concerning this particular property and the trustees of the Shaw estate, in settling up the estate had the property appraised for the benefit of the tax, the inheritance tax commissioner of the Commonwealth of Massachusetts, and he wrote a letter to Commissioner Brensinger stating the facts as he received them and that report would show to my mind that the property was sold—

Mr. Bain: Now, I object to what the report shows in the mind of this witness. The question is what did the report show, if the Board is going to allow anything to be stated.

Q. What is your opinion after examining the report?

Mr. Bain: I object to his opinion after examining a report. The question is what is the report.

The President: What the report contained, Mr. Dunham, if you can give that.

The Witness: The report contained—

Mr. Bain: Of course, I object because the report is the best evidence. This witness may or may not be able to state it now.

The Witness: If you have the records of the tax cases of 1914 in which that is printed I can read right from it. I think you have it in your records.

Q. Let's go on. What is— A. What the report showed was there was a mortgage on the property which was appraised, and the appraisal of the mortgage plus the unpaid taxes, they gave as their full value of the property, in other words, they estimated that the value of the mortgage and the unpaid taxes was the value of the property.

Q. And that is what it was sold for? A. And that is about what it was sold for.

Q. Have you any other information outside of that for reaching an opinion that the Blair tract was not sold at market value at the time of the sale? A. Well, the very fact that the Morris & Cummings tract was sold at practically $9,000 per acre is enough evidence in my mind that the other tract was sold too cheap, because there was an owner who didn't have to sell but who was willing to sell.

Q. What other sales— A. Then—taken in connection with the sale of the properties near Constable Hook in about four or five—about, yes, three years later, three to four years later, indicated to my mind very clearly that there had been a tremendous increase in the value of that class of property; that, taken into consideration with the fact that from 1916 to 1921 4,487 feet of frontage had been sold on the New York Bay, and that meant that practically 20 per cent of the New York Bay frontage in Bayonne and Jersey City was sold during that time and leaving very little available property in the market. That is, property in private ownership. There is some property there yet which is owned by the State.

Q. Did you analyze the sale of the Lehigh Valley to the Standard Oil, sale made in 1920 or 1921?

Mr. Bain: Pardon me, Mr. Stout, he hasn't characterized that as a sale.

The Witness: That is a contract for a sale.

Mr. Stout: You distinguish between a contract of sale and a sale?

Mr. Bain: Certainly.

Mr. Stout: All right, contract is good enough for us.

The Witness: For all practical purposes that is a sale, as I understand it.

Q. Well, let's take it as a contract to sell in which the price was fixed at $19,000 per acre? A. Well, the price wasn't fixed exactly in that way.

Q. Well, how was it fixed? A. The price was fixed at $20,625 per acre for the entire tract at first. There was then a deduction made for a certain area which was between a line a thousand feet back from the pierhead line and the bulkhead line, and there was an application made to the riparian commissioner of New Jersey for the right to extend the pierhead line out to a point a thousand feet back from the pierhead line, and they fixed the price for that extension at $10,000 an acre, and because of that fact the Lehigh Valley Railroad Company deducted $10,000 an acre for that particular area, so that all of the tract except this particular area was sold at the rate of $20,625 per

acre, and this particular area was sold for $10,625 per acre.

Mr. Bain: Making the average rate about $19,000?

The Witness: Making the average price paid for it about $19,000 per acre without that right of extension.

Q. How much land was involved in this contract to sell? A. There was about 144 acres—wait a minute, 143.86 acres; practically 144 acres.

Q. And how much land was involved in the sale of Morris & Cummings to the Lehigh Valley Harbor Terminal Railway Company? A. 290 acres; 289 and a fraction.

Q. Compare those properties as to location and accessibility? A. Well, the property of the Lehigh Valley Harbor Terminal Railway Company is located at the foot of Chapel Avenue and is accessible from the main city by way of Chapel Avenue. It lies immediately adjacent to the Pennsylvania Railroad New York Bay Terminal. It has a width on the New York Bay of 1,190 feet, and the frontage of the Lehigh Valley tract is about 1,300 feet. But the Morris & Cummings tract contains just about double the area of the Lehigh tract near Constable Hook, and the price paid for the—or to be paid for the Constable Hook tract is $19,000 an acre, in 1919, as against the price paid for the Lehigh Valley Harbor Terminal for the Morris & Cummings tract in 1916, of about $9,000 per acre. And they were both—so far as physical conditions was concerned, they were both about the same. They were both land under water

in the New York Bay with a very small amount of back land. And for a railroad terminal yard the Morris & Cummings tract being located very close to the main stem property of the Lehigh, that is their main line coming in from Oak Island, is much more advantageous and much more valuable to the property so far as the railroad terminal yard is concerned.

Q. Well, is the Lehigh Valley property involved in that Morris & Cummings sale in your opinion, more available for railroad use than the property involved in the sale of the Lehigh to the Standard Oil? A. Oh, yes. It is a much more valuable railroad property.

Q. What is the advantage or disadvantage as to access from water? A. Well, there isn't very much difference as to that. The property near Constable Hook is nearer the deep water of the Kill van Kull, but it has—the adjoining property which was later purchased by the Lehigh has a 35-foot channel into it, but that couldn't have been taken into consideration because they didn't own that property at the time they bought the Lehigh Valley Railroad Company property. So, whatever benefit they might get from the channel, of course, would be the general public benefit which could come from a channel somewhere near or in the neighborhood of the property, and the Lehigh Valley Railroad Company might get the same general benefit from the Pennsylvania channel leading into its yard which adjoins their property and is in the neighborhood of the property. That is that portion of the channel lying between the pierhead line and the main channel of the New York Bay.

Q. Averaging the advantages and disadvantages of each piece of property, how would you say they compared in value? A. Why, I should say that they were about—as pieces of property for any use, they had about the same value as unimproved lands, about the same value.

Q. Well, then, does the fact that the sale of the Lehigh to the Standard Oil at $19,000 an acre in 1919, and the sale of Morris & Cummings to the Lehigh Valley in 1916 at $9,000 an acre indicate to your mind increase in value in that locality? A. Yes, it indicates to my mind an increase of about one hundred per cent in the value of these properties. And that isn't the only thing that indicates it to my mind, either.

Q. Well, name some other sales that indicate it, if you have any? A. Well, there was a sale of a piece of land under water from the State of New Jersey to the American Radiator Company at the rate of $10,000 per acre without any bulkhead rights. And then there is the mere fact that the State has increased the price which they are asking for these lands much more than a hundred per cent during the last five or six years. In other words, my idea is that—

Mr. Bain: I object to any statement as to increases in asking prices by the State on the ground such statement is incompetent, irrelevant and immaterial, and ask that it be struck out.

Mr. Stout: I move that it stay in for what it is worth.

Mr. Bain: I ask for a ruling.

The President: Repeat the question, please.

Q. (Question read as follows): "Well, name some other sales that indicate it, if you have any."

Mr. Bain: Just before that the witness had begun to say or said that he also knew that the State was now asking very much higher prices for lands under water.

The President: That the state was now asking?

Mr. Bain: Asking very much higher prices than it had asked for lands under water on New York Bay. The witness offers that as one of the reasons for his conclusion that the land on New York Bay had increased in value. I say that that is immaterial. The mere fact that the asking price has been increased does not show that purchasers will pay the increased price.

Mr. Stout: That isn't the point of the answer. That the witness in determining that there has been an increase of a hundred per cent in the value of shore front property in this locality between 1916 and 1921 considered that. He didn't say using that to determine the value of property, but he said—

Mr. Bain: If that is one of the matters that influenced the witness' opinion in that regard, I move his testimony as to an increase in value be stricken out on the ground that it is based upon improper—upon the ground that his conclusion has no foundation in fact.

Mr. Stout: I move that it stay in for what it is worth. Oh, I haven't any objection—

The President: The objection is overruled.

Mr. Stout: Well, I was going to say let it go out. It doesn't make any difference. You ought to read your own testimony.

Q. Did you consider the sales of the Central Railroad Company to the Tidewater Oil Company at Port Johnston? A. Yes.

Q. Did you think that those sales indicated or manifested an increase in value between 1916 and 1920—1921? A. The sales from 1915 to 1916 indicated a value of $10,000 per acre for the same kind of land which they sold to the same company in 1921 for $35,000 per acre. That indicates a very large increase. Now, the Kill van Kull—there are other sales on the Kill van Kull which also indicate very large increases in the value of that class of property. The sale of—take further back of that, back in 1900 and 1902, it is hard to tell just how much of that increase took place between 1915 and 1916, but the record of sales will show that a great part of the increase, practically a larger part of the increase in values took place between 1915 and 1921. Gunther sold to the Guffey Petroleum Company land adjoining the Port Johnston land of the Central Railroad on Kill van Kull in 1902, and then they acquired in 1905 a grant from the State at $27,600, making a total of $177,000 paid for that property. That had an area of 28.4 acres, so that the average price paid was $6,230 per acre. Now, when you compare that property with the sale to the Sulphur Company of practically similar property in 1921 at the rate of $29,000 per acre, you see that you have got pretty nearly five times increase—there is six thou-

sand as against about twenty thousand from 1902 to 1921, and other sales in there would show very much the same situation. This Port Johnston yard, the front portion of the Port Johnston yard, a width of about 500 feet, they purchased from the Pennsylvania Railroad Company in 1900, and it was all water front. They paid at that time $12,360 per acre for it, and that very same property today is, in fact a portion of this very same property under appeal, is assessed at $30,000 per acre. That is about two and one-half times in twenty years and about two hundred to two hundred and fifty per cent, and at least one hundred per cent of that increase has taken place in the last ten years.

The President: We will take a recess here for ten minutes.

A short recess was thereupon taken.

After recess.

Q. Have you analyzed, Mr. Dunham, the sales which were most helpful to you in arriving at the value of this Greenville yard of the Pennsylvania? A. Yes.

Q. Now, will you refer to the parcel known as the Hoboken shops, and tell us what your valuation was, what the value of that property was on January 1, 1921? A. The Marine Shops at Castle Point, I valued at $87,000 per acre.

Q. And I assume that you considered that land to be comparable with the purchases of the Hudson Realty Company? A. Yes.

Q. You put the same valuation? A. Yes, the adjoining property, I put the same valuation.

Q. And your reasoning and applications and sales that you used in arriving at the value of those particular tracts you used in respect to this tract known as the Hoboken Shops? A. Yes.

Q. And the main stem property here under consideration you place at the same valuation as the yard through which it runs? A. Yes.

Mr. Stout: I offer in evidence the appraisement of Mr. Dunham as to the property of the Pennsylvania Railroad here under consideration.

Paper above referred to received in evidence and marked Exhibit S4.

Mr. Stallman: Offer your statement. So far as I am concerned, we are not going to insist that you have Mr. Dunham testify verbally to all that he has written out, because that is merely duplication anyway. All your direct-examination recently has been the principles on which he arrived at the figures as stated in the written report.

Mr. Stout: That is the idea.

Mr. Stallman: I think that will shorten it considerably.

Mr. Stout: I offer in evidence Mr. Dunham's appraisal as to the properties, or rather in respect to the properties of the Lehigh Valley Railroad Company here under review.

Paper above referred to received in evidence and marked Exhibit S5.

Mr. Bain: You had better have him testify that that is his appraisal.

Mr. Stout: Well, mark it first.

Q. Mr. Dunham, I show you Exhibit S5 and ask you whether that is your appraisal of the properties of the Lehigh Valley Railroad Company here under review (handing paper to witness)? A. Yes, it is.

Q. Mr. Dunham, you put an average acreage valuation upon the land of the Lehigh Valley Railroad Company known as the Big Basin? A. Yes.

Q. At $87,000 an acre? A. $87,000 per acre is the value of the—what is known as the Big Basin, lying west of Washington Street, excluding the 150-foot channel.

Mr. Bain: Pardon me, will you—

Q. That includes 38a and 45a, in Block 2145? A. Yes.

Mr. Bain: May I ask to have the question before the last one repeated?

Q. (Questions and answers repeated as follows): "Q. Mr. Dunham, you put an average acreage valuation upon the land of the Lehigh Valley Railroad Company known as the Big Bason? A. Yes. Q. At $87,000 an acre? A. $87,000 per acre is the value of the what is known as the Big Basin lying west of Washington Street, excluding the 150-foot channel."

The Witness: East of Washington Street.

The President: East of Washington, is that the Big Basin?

The Witness: Yes.

The President: The larger one?

The Witness: Yes.

The President: East of Washington?

The Witness: Yes.

Q. And that is known on your appraisal as, or on the assessing map, as 38a and 45a, in Block 2145? A. Well, there is a main stem—

Q. Well, just a minute, isn't this here— A. There is a main stem tract in Block 2145 from Washington Street to bulkhead line, .835 acres, which is within the lines of the Basin; another tract known as 38a and 45a, in Block 2145.

Q. Well, you have there comprehended main stem along with the rest of the terminal — A. Yes. I valued the main stem at the same rate as the yard in which it is located.

Mr. Bain: Is that true, Mr. Dunham? I notice on your schedule you value the main stem at $87,000 per acre and second-class land at $65,000 an acre.

Mr. Stout: No, no.

The Witness: Well, that is another part of the second-class land.

Mr. Stallman: You see he takes east of Washington Street at $87,000 an acre.

Mr. Stout: Yes, but the schedule doesn't show that. Is that the fact?

The Witness: Yes.

Mr. Bain: I see. The land east of Washington Street you valued at $87,000 and the land west of Washington Street at $65,000?

The Witness: Yes.

Mr. Stallman: That is the dividing point.

The Witness: That is the dividing point between the Lehigh property proper and the property of the Morris Canal and Banking Company, Lehigh, lessee.

Q. You considered, then, in valuing these properties that they were in different ownerships? A. Yes.

Q. And you appraised the holdings of each? A. Yes.

Q. And what property to your mind is most nearly comparable in this locality with the Big Basin of the Lehigh Valley? A. Well, the property of the International Elevating Company and the property of the Pennsylvania main terminal yard, and also the property of the Central Railroad Company on the south. The Big Basin is located partly north of the channel, and partly south of the channel. The developed portion of it is south of the channel. The undeveloped portion, or the Old Morris Canal coal dock, is north of the channel. This point is about the turning point of values, as you leave Jersey City and go south approaching the New York Bay.

Q. And is not, as far as location is concerned and surroundings as valuable as the main yard of the Pennsylvania or the International property or the Erie property? A. No, the Lehigh Valley yard is separated from the main city by the Tide Water Basin, and is not backed up by the same development.

Q. How can you distinguish between the lands east of the Morris Canal and those west of the Morris Canal? You put a $65,000 valuation on those west and $87,000 valuation on those east.

Mr. Bain: You don't mean Morris Canal?
Mr. Stout: I mean Washington Street.

A. Well, I consider the property west of Washington Street as property having frontage on the Tide Water Basin.

Q. Yes. And that has no water front? A. It is cut off from the Hudson River by the Tide Water Basin of the Morris Canal and Banking Company.

Q. You have appraised the main stem land comprehended in those tracts at the same average valuation? A. Yes.

Q. What valuation did you put on the land of the National Storage Company? A. That yard I valued at the rate of $30,000 per acre. I put the same value on that that I put upon the New York Bay yard of the Pennsylvania Railroad.

Q. Well, in your opinion— A. For the same reasons.

Q. For the same reason? A. Yes, sir.

Q. Well, isn't the National Storage Company yard a little better as to location? A. Yes, but it is more restricted as to use. It is a smaller property.

Q. And that was in your opinion the value as of January 1, 1921? A. Yes.

Q. Now, the main stem valuation of $30,000. Tell us how you arrive at that? A. The main stem valuation I put an average on that as I estimate it as the average value of lands adjacent to the main stem, both through Jersey City and Bayonne. There it is about $15,000 per acre, and I put a valuation of— used a multiplier of two in putting a valuation on the main stem property. In other words I considered the main stem property to be worth twice as much as the adjacent lands. That is because of the continuity and use.

Mr. Stallman: Didn't you consider the severance damage in there too, Mr. Dunham?

The Witness: The damage, not so much severance damage in this case as I did the value of the use and continuity. That carries with it, the value of use carries with it the elimination of crossings and streets and all those sort of things which main stem property has to contend with.

Q. Land at the—well, on Jersey Avenue, west of Van Vorst Street, you appraised at $5,000 an acre? I think it is Lot 45c in Block 2145.

Mr. Bain: Where is that on the schedule, Mr. Stout?

The Witness: Main stem is it?

Mr. Stallman: It is on the second page. The last one on the second page.

Mr. Stout: No, it is at the top of page six.

Mr. Stallman: Well, in the general schedule it is the last item on page three.

Mr. Stout: Yes.

A. Well, that is part of the yard, the rear part of the terminal yard.

Q. I see. A. Fronting on the Tide Water Basin.

Q. In other words that is the land west of Washington Street? A. That runs from a point 10 feet west of Van Vorst Street to the center line of Jersey Avenue. That is this part in here (indicating on map).

Q. And what did you compare that with? A. Why, that I value as a part of the terminal yard. I

value that as a piece of water front property with a frontage on the Tide Water Basin. The only exception to the $30,000 an acre on the main stem property, as stated on the first page is the milk station on the Morris Canal between Van Vorst and Warren Streets, .518 acres which I valued at $65,000 per acre. That is the land in Jersey City.

The President: Parallels the tow path?

The Witness: Adjoining the canal at the foot of Warren Street.

The President: Parallels the tow path?

The Witness: Yes.

Mr. Stout: I offer in evidence the appraisal of Mr. Dunham as to the properties of the Central Railroad Company of New Jersey here under review, and ask that it be marked in evidence.

Paper above referred to received in evidence and marked Exhibit S6.

Q. Do you place an average acreage valuation of $65,000 upon the main terminal yard of the Centrai Railroad? A. Yes.

Q. How do you arrive at that valuation? A. That value I arrive at by a sort of a process of proportion. In other words, you come down the Hudson River with certain values for terminal yards upon the Hudson River. You arrive at the Gap or the Tide Water Basin in Jersey City at certain values, which appear to be consistent with all other values, north of them. You then have the turning point of values at that point. South of the Gap, you have a shore frontage on the Hudson River, and then the pierhead and bulkhead lines recede and go along the westerly shore of

the New York Bay, and as these lines recede from the main channel of the bay and the river, values decrease. The sales show that values upon the New York Bay are less than values upon the Hudson River. The Central yard is in between the New York Bay values and Hudson River values. As a yard it is comparable with any other yard upon the Hudson River. It has a frontage of about 2,500 feet upon the Hudson River. It has a depth of about 5,500 feet, and an area of 162 acres.

Mr. Stallman: Pardon me, Mr. Dunham, you just said it had a frontage on the Hudson River of twenty—

The Witness: 2,500 feet.

Mr. Stallman: 2,500 feet. I wanted to find out what you call the end of the Hudson River.

The Witness: What did you say?

Mr. Bain: How far south of the northerly line of the Central Railroad Company does that 2,500 feet extend?

The Witness: It goes about to the limit, about where the coal pier is; north line of the coal pier.

Mr. Bain: To a point opposite the northerly side of Ellis Island?

The Witness: No, to the north side of the coal pier. I think if you scale from your map you will find it is a greater width—

Mr. Bain: The 2,500 feet is measured along the pier line from the northerly line of the property of the Central Railroad. That explains it.

The Witness: That is the frontage of the main yard that I consider the Hudson river front and I

valued that at $65,000 per acre, that yard, on account of its location, and on account of its depth, and I don't think is worth as much per acre as the other yards, although on the other hand, as a railroad terminal yard it probably is as good as any yard on the Hudson River, a much better railroad terminal yard than the yard of the New York Central up at Weehawken. But you have got to graduate values as you go south in order to meet the values which you determine on New York Bay properties, and that is the process of graduation, and the only way I know of to do it is to take what would be the fair market value of these properties on the Hudson River, taking into consideration the fact that it is set off from the main city by reason of the Tide Water Basin, but still has access to the main city in the rear, and my best judgment on that property is that it is fairly worth an average of $65,000 per acre, and you will notice as I go south from that that I depreciate the acreage values.

Q. What valuation do you put upon the property to the south known as 48d?

Mr. Stallman: The 71-acre tract.

Q. All right, the 71.3 acres known as Block 48d in 2145? A. That is the tract lying on the bay or river, which ever you might want to call it, just partly behind the island. I value that at $50,000 per acre.

Q. In your opinion that is not as favorably located and as accessible as the main yard of the Central Railroad? A. No.

Q. And is that the reason for your depreciating the value? A. That is the reason I depreciate the value, because of its location, and it isn't as accessible by water.

Q. And the next tract to the south, known as 22g, in Block 2154, what valuation did you put upon that? A. I put a valuation of $40,000 per acre on that. That adjoins the previous tract and is behind Ellis Island, and the access is not as good as the previous tract.

Q. And it is an irregular piece— A. And it is an irregular piece of land with a great deal of back land with it.

Mr. Stallman: Mr. Dunham, where is your 5.61 parcel?

The Witness: That 5.61 parcel is the land lying between the main stem and Philip Street, which is really a part of the 84-acre tract.

Mr. Stallman: I see.

The Witness: It is only separated from Philip Street by reason of the main stem.

Mr. Stallman: Yes.

Q. Next? A. That I put at the same value as the 84-acre tract, I consider that a part of that tract. The only difference is the main stem runs through it.

Q. And, now tell us what valuation you put upon part of 22j in Block 2154, known as the coal pier property? A. That is the tract containing 96.049 acres, upon which the new coal pier is located, Pier Number 18. I put a valuation of $35,000 per acre upon that tract. I consider that tract as purely and simply New York Bay property, with an approach, 30-foot channel from the main channel of the bay.

That is a little better located than the property of the National Storage, because it has better access, it has access from the front by a thirty-foot channel, and access to the north behind the island by a 22-foot channel.

Q. The small parcels that are involved in your appraisal, what method did you use in arriving at the value of those? A. The two tracts that are behind the yard, there is one containing 4.028 acres of main stem, and another part containing 19.342 acres of land in second-class, which I value at $30,000 per acre—no, that is main stem at Port Johnston. The other tracts are tracts in the rear of the yard in the neighborhood of Jersey Avenue and Philip Street. They are attached to the yard and used in conjunction with the yard, but they are used for a roundhouse use. I put a valuation of $30,000 per acre upon them.

Q. What value did you put upon main stem outside of the terminal tracts? A. I put a valuation, average valuation of $30,000 per acre upon the main stem from the yard to the Newark Bay. That almost parallels and is practically in the same locality as the Lehigh Valley Railroad Company's main stem, and the same price would apply to both.

Mr. Stallman: That is, you used the factor of two there for continuity—

The Witness: Yes, the multiplier of two.

An adjournment was here taken until Friday morning, February 24, 1922, at nine-thirty, at the Court House, Jersey City, New Jersey.

Eleventh Day.

Jersey City, N. J., Fri., Feb. 24, 1922.

Present: Mr. Baker, president; Mr. Margerum, Dr. Barber.

Appearances as before noted.

Case resumed pursuant to adjournment.

FREDERICK DUNHAM resumes the stand.

Direct-examination continued by Mr. Stout:

Q. Mr. Dunham, will you tell us how the Central Railroad yard, that is, the main yard of the Central Railroad Company of New Jersey, is made up, or was made up? A. Well, that yard is reclaimed from the old Communipaw Bay, or cove. It was a piece of land that was under the water of the New York Bay and never formed a part of the main land of Jersey City. It is the yard just south of the old Paulus Hook, and is entirely made up of lands reclaimed from the New York Bay.

Q. Is that true of the other tracts of land to the south owned by the Central Railroad Company of New Jersey? A. Yes. All of the Central Railroad's holdings practically, with the exception of a few tracts on Philip Street and Communipaw Avenue was reclaimed from the waters of the New York Bay. The properties were originally acquired from the State by old grants back in around '70, about '69, '70 and '72.

Q. Is that also true of the property of the National Storage Company? A. The National Storage was a tract purchased by the Central

Railroad Company from the old American Dock & Improvement Company which formed a part of their original grant from the State.

Q. Tell us what you know about the land of the Lehigh Valley Railroad Company known as the Large and Small Basins. A. The Lehigh Valley Railroad Company's yard south of the gap was practically acquired in the same way as the lands of the Central Railroad Company of New Jersey. It is entirely reclaimed from the waters of New York Bay. That portion of the Lehigh's yard west of Washington Street was known as the west line grant, and that portion, the front portion of the yard from Washington Street to the bulkhead line is known as the Big Basin, granted or leased to the Morris Canal & Banking Company, of which the Lehigh Valley Railroad Company are lessees. That portion of the development of the Lehigh east of Washington Street is entirely within the Big Basin or lands leased from the Morris Canal & Banking Company.

Q. And tell us what you know about the acquisition of the main yard of the Pennsylvania Railroad Company? A. The main yard of the Pennsylvania Railroad Company was first—a few blocks were leased from the Associates of the Jersey Company for a long term of years, and to this was added from time to time a block or a half a block of land which was purchased from other owners. The main yard, extending from Exchange Place to Morgan Street was practically made land, filled and bulkheaded at the time the main terminal yard was established, and in establishing that yard certain industries were gotten out of the way. In other words, at the time the

Pennsylvania Railroad, or the old United Railroad Company, acquired the northerly portion of this yard, that was industrial property and industries were located there.

Q. And what do you say about the Harsimus yard of the Pennsylvania Railroad? A. That portion of the Harsimus yard between Morgan Street and Second Street was acquired from individual owners, from the Dodge & Bliss Company, and from the Pennsylvania Coal Company, I think it was, and others. That property was in industrial use before it was acquired by the Railroad Company. That portion of the Harsimus yard lying north of Second Street up to Sixth Street was acquired from the State under an old grant. That was in what was known as the Harsimus Cove, the Cove then extending back to very nearly the line of Henderson Street. So that the northerly portion or the deep portion of the Harsimus yard is land reclaimed from the Harsimus Cove, and was not developed for any purpose when the Railroad Company acquired it.

Q. And tell us about the history and acquisition of the Erie Railroad. A. The Erie property is also a portion of the Harsimus Cove, and the Cove extended back to very nearly the line of Provost Street. That yard is practically all reclaimed land on the Cove. And the title, that comes through some old grant. I understand it was the Budd grant. There was also some old West India Trading Company title located in the lands of this property.

Q. Tell us what you know about the history and acquisition of the Delaware, Lackawanna & Western Railroad yard? A. The Delaware, Lackawanna

yard is also a yard which was largely reclaimed from the Cove property; the line, the shore line, original shore line, extended back to very nearly Provost Street, and in some places very nearly to Henderson Street. In fact, all of that line of the Lackawanna yard as shown here (indicating on map) from Sixteenth Street down to Thirteenth Street, is very nearly the old original shore line. That line—that property was first acquired from the Cole's estate by acquiring a strip of the shore, as I recall it, about three feet wide, and then from that ownership the grants were obtained from the State by the constructing company, the Jersey Shore & Improvement Company, if I remember correctly, and later was transferred to the Morris & Essex Railroad Company. There was, however, on a portion of this Lackawanna yard which has been partially reclaimed between Fourteenth, Twelfth and Fourteenth Street, some steamship piers which had been located there before it went, really went into railroad use, although it was owned by the railroad company. That property was purchased as I recall it around in 1883-1885.

Q. Has there been additions there from time to time to the rears of the yard of the Delaware, Lackawanna & Western, the Erie and the Harsimus and the main yard of the Pennsylvania? A. There hasn't been very much addition to the rear of the Lackawanna yard. There has been added to it a block—parts of blocks along Henderson Street, and a few lots in the rear between Sixteenth Street and Twelfth Street; but not any great additions to the Lackawanna yard since the original purchase.

Q. Mr. Dunham, will you analyze the sales listed in Exhibit P24 of the Hudson River water front sales, which you have not analyzed in testifying to the value of the respective properties here under review? A. The first five sales noted on this list I have analyzed. Sale number six, from the American Warehouse & Trading Company to the United States of America, I didn't analyze that sale, being a sale to the Government. Sale number seven—

Q. Well, just a minute. You consider that to be a sale at market value at the time of the sale? A. Well, it is very difficult to tell what was the price paid. There has been a great deal of argument as to what the price actually was, and the price indicated by the stamps on the deed appears to be about twice what the witnesses for the railroad companies said was the actual consideration, and there has been so much controversy about that that I am not prepared to say just what was paid for the property. But I understand from Mr. Ryer, who was connected with that transaction that the price paid for the land was the same price paid by the Hudson Realty Company to the Ocean Steamship Company for the adjoining tract. If that was so, then I should say that that was a sale about at market value, so far as land value is concerned. Of course, this was an improved piece of property with a going concern, being the Nungasser Seed Company. So I can't tell just how much the business entered into that consideration.

Q. How was that land acquired, by sale, private contract or in condemnation or in what manner? A. Why, I believe that the property was appraised and

the price was finally agreed to by both parties.

Q. Why didn't you use it, why didn't you use that sale in arriving at your valuations of the tracts of land here under consideration? A. Why, I attempted to use the sale at one time, assuming that the consideration as indicated by the stamps was right, and that was so hotly contested and it appeared that that was questioned, so that I really don't know what the true consideration was, and therefore I have to eliminate that sale.

Mr. Stallman: May I interrupt to ask, Mr. Dunham, whether you ever read the deed?

The Witness: Yes, I have a certified copy of the deed.

Q. Well, then, we will take the next sale on that strip. A. The next sale, number seven, I have analyzed. The next two sales, number eight and number nine, were the properties of the Hamburg-American and North German Lloyd Steamship Company, taken over by the United States of America. That, I consider a forced sale, not indicating market value.

Q. And that was the reason why you eliminated it? A. Yes. The next sale—

Q. Just a minute. What has been the result of your inquiry as to that sale from other real estate experts on shore front property? A. Well, I think that they all agree that the price—

Mr. Stallman: Well, now, we object to the witness giving hearsay conclusions. Now, I think probably we might stand for hearsay testimony, but hearsay conclusions I think are

so utterly bad from an evidential standpoint that they ought not to be received.

Mr. Stout: I won't press it.

The Witness: I only say that according to the testimony of the railroad experts—

Mr. Stallman: No, I think if we are going to have hearsay, we must have hearsay facts, not conclusions.

Mr. Stout: I think the witness may be permitted to testify as to what he has heard other real estate experts testify to in court proceedings.

Mr. Stallman: In expressing their opinions?

Mr. Stout: Yes.

Mr. Bain: I submit that that is not true, that as a matter of law this witness should not be permitted to state testimony. If the testimony is evidential, it should have been produced.

Mr. Stout: Why, it is elementary—

Mr. Wall: Well, let's have a ruling of the Board on it and get ahead.

The President: Repeat the question, Mr. Stenographer.

Mr. Stout: I don't think it is important enough for a ruling. I will withdraw the question.

The President: Then you are not going to press it?

Mr. Stout: No.

The Witness: The next sale, number ten on the list, is James Pyle & Sons, to Lever

Brothers Company. The consideration includes the value of the improvements, and the rate per acre evidently includes the value of the improvements, so that unless you know the value of the improvements, you can't analyze that sale in order to get a land value. However, that property is located north in Bergen County, and I do not consider that comparable property. The next sale, number eleven, Shamberg, I have analyzed. The next sale, number twelve, Twombley to the Lord Construction Company, March 26th, 1920, is the sale of the same property conveyed by the Lord Construction Company to the New York State Realty Company on the same day. I don't know why the difference occurs between the price paid by the Lord Construction to Twombley of $250,000, and paid by the New York State Realty Company to the Lord Construction Company of $600,000, a difference of $350,000 in a transaction which took place the same day. But in view of the fact of the adjoining land being sold two days previous to the same company, I have come to the conclusion that the consideration paid by the New York State Realty Company was the true consideration of the market value of the property.

The sale, number thirteen, the Woodcliff Land & Improvement Company to the Edgecliff Realty Company, December 30, 1919, at $2,000,000, that sale I think was made at market value at the time of the sale. I have analyzed that sale. In fact, I had made a previous appraisement of this property for the Woodcliff Land & Improvement Company. The contract—

Mr. Bain: I object to any statement of the contract. The property was sold and anything in the contract was merged in the deed.

The President: What do you want to say about the contract, Mr. Dunham?

The Witness: I merely wanted to give the date of the contract.

Mr. Bain: I object on the ground that it is immaterial.

Mr. Stout: What, the date of the contract?

Mr. Bain: Certainly.

The Witness: To whom the contract was made.

The President: Overruled.

Mr. Stout: I insist that the witness has the right to state those matters.

The President: Proceed, Mr. Dunham.

Mr. Stout: If counsel keeps on with this I think I will have to move to have all the testimony of the railroad witnesses stricken out.

A. The contract was made from the Woodcliff Land & Improvement Company to the Weehawken Dry Dock Company, April 30, 1918, for $2,000,000. The contract was evidently transferred or assigned—

Mr. Bain: Now, I object.

A. (Continuing.) —because the—

Mr. Bain: Just a minute, Mr. Dunham. I object to this witness stating that something was evidently transferred.

The Witness: Well, it is self-evident.

Mr. Bain: There is no evidence that anything was transferred at all, as far as we know.

Mr. Stout: You don't want evidence?

Mr. Stallman: The witness ought not to guess. He can testify as to what is, but when he says evidently something else must have happened—

The Witness: I am going to tell you why—

Mr. Stallman: Well, that is what we are objecting to. If we are to be overruled, why not overrule us.

Mr. Stout: We are entitled to the opinion of this expert as to how he analyzed sales. Now, whether it is good or bad, that is for the Board to determine.

The President: Oh, I think so, yes.

A. Because on December 30, 1919, the Woodcliff Land & Improvement Company sold the property not to the Weehawken Dry Dock Company, but to the Edgecliff Realty Corporation.

Q. That is the way that you analyzed that sale? A. Yes. And I think that at the time the price of $2,000,000 was fixed as of April 13, 1918, that that was the fair market value of the property.

Q. The next sale on the list? A. The next sale on the list—

Q. Mr. Dunham, do you know anything about what was paid for an extension to this parcel of land? A. Yes.

Q. Well, will you— A. There was $100,000 paid for an extension of the contract.

The next sale, fourteen, is Jones to the Lord Construction Company, March 25, 1920, consideration $350,000. That is at the rate of about, according to the schedule here, $23,900 per acre. But I don't agree with that area. I make the consideration about—

Mr. Bain: Well, I object to what the witness agrees as to the area. The test is what the deed conveyed.

The Witness: The deed conveyed the area which the deed conveyed, I having made a survey of the property—

Q. Well, what area do you consider in arriving at the value of that property?

Mr. Bain: I object.

Mr. Stallman: Just a minute, until we find out what the source of his information is. I submit we ought to observe some rules of evidence.

A. (After referring to map.) I made the average—

Mr. Bain: Now, just a moment.

Mr. Stout: Well, let the witness testify.

Mr. Bain: No, I want my objection on the record now. If this witness is about to state an area not the area stated in the deed, I object on the ground that it is incompetent, immaterial and irrelevant.

The Witness: Does the deed say the area?
Mr. Wall: What is your question?

Mr. Stallman: Well, I submit to the Board that the best evidence of a sale is the record of the deed. Now, if C. W. Jones sold to the Lord Realty Company by a deed dated March 25, 1920, a certain parcel of land for $350,000, and it is stated in that deed the area conveyed, that is the only evidence that is receivable of what was conveyed. Certainly no witness can come before a board or any tribunal and say that that owner conveyed something different than what his deed purports to express.

The Witness: I don't say that.

Mr. Stout: Just a minute. We all agree with that, Mr. Stallman, but we want to find out what the deed itself said.

Mr. Stallman: All right. Now, if the deed contains the area, that is all that we want.

Mr. Stout: That is all there is to it, yes.

The Witness: My recollection is that it don't.

Mr. Bain: Well, we don't want a recollection.

Mr. Stallman: We don't want a negative recollection.

The Witness: Well, it is immaterial, I think.

Mr. Stout: All right, evidently you don't want him to use the sale.

Mr. Bain: We do. We have no objection to a proper statement of the sale, but we want a proper statement.

Q. Mr. Dunham, that property, where is the land involved in that sale located? A. That is located just north of the Woodcliff property. It lies between the Woodcliff property and the Shamberg property. I made a survey of this property for the New Jersey Title Guarantee & Trust Company and determined its area at the time of the survey.

Q. Well, that comprehended the property in this Jones sale? A. Yes.

Q. But you don't know the exact area comprehended in the Jones sale? A. That was the Jones sale.

Q. You mean you have a survey of that? A. Yes.

Q. Well, why didn't you use that sale? A. I didn't use that sale because I believe that sale to be below market value.

Q. And why do you say you think it is below market value? A. That sale—you compare this sale with the sale of the Shamberg property adjoining it the same year, compare it with the sale to the New York State Realty a short distance below it the same year and it was sold for less than half of the price received—paid by the New York State Realty Company, and was sold for a little more than half of the price paid for the Shamberg property adjoining it. It was sold for about the same price per acre for the water front portion as the price received by the Woodcliff Land & Improvement Company; as I analyze that sale.

Q. Take the next sale on this list and analyze it. A. The next sale on the list is Argam Tannin Company to Lever Brothers Company. That is property in Bergen County which I don't consider comparable property.

Q. The next one. A. The next sale is the Edgecliff Realty Company—Edgecliff Realty Corporation to the Lord Construction Company, March 24, 1920, $1,660,000. That is a part of the Woodcliff property remaining after the sale of the 600 feet of the water front to the New York Realty & Terminal Corporation. I don't regard that as a sale, because from my information the Edgecliff Realty Company and the Lord Construction Company are practically the same people.

Q. The next sale? A. Winterburn to Daniels is a sale some distance further up into Bergen County; I don't consider that comparable property.

The next sale, number eighteen, William O. Ross to Union Dry Dock Company, is a sale of property located up in Bergen County north of the ferry which I don't consider comparable property.

The next sale, number nineteen, is the Water Front Improvement Company, Erie Land & Improvement Company, 1914. In the first place it is too remote for comparison with 1920 value and not comparable property.

Mr. Stallman: Where is it?

The Witness: It is the same, all property just south of the New York, Susquehanna & Western Railroad yard at Edgewater.

The sale of the Water Front Improvement Company to the New York Edison Company in 1911, is too remote for comparison with 1920 and not comparable property. That is a piece of land just south of the piece before, and lying between the Susquehanna yard and the New York Edison property at Edgewater.

Sale of Larkin Soap Company to Swift & Company in 1907, is too remote for comparison with 1920 values. It is a piece of property which adjoins the Shamberg property on the north and contained about eight acres, but had only 200 feet of water front.

Mr. Bain: Mr. Dunham, aren't you mistaken? Wasn't that sale in 1917?

The Witness: In 1917.

Mr. Bain: And didn't you say it was too remote?

The Witness: Too remote for comparison of values, as of that date with 1920 sales.

Q. In your opinion what has been the increase in value of shore front property between 1917 and 1921? A. 1917 to 1921, that has been an increase of from fifty to a hundred per cent. In fact, the sale even in Bergen County, if you take the last mentioned sales from Larkin Soap Company to Swift & Company in 1917, at the rate of $14,000 an acre, and then you take the sale of number fifteen on the list of Argam Tannin Company to Lever Brothers of the property which adjoins it on the north, in 1920, at the rate of $23,728 an acre, that shows an increase of about seventy-five or eighty per cent.

Mr. Stallman: We object to the statement of the witness that it shows an increase, because he is not drawing a comparison between a resale of the same property.

Mr. Bain: Or of property similarly situated or in the same vicinity.

The Witness: Adjoining properties.

Mr. Stout: Put it on top of it and they will be satisfied.

Mr. Stallman: I move to strike out the witness's conclusion that that shows an increase in value of property.

Mr. Stout: I submit that the witness ought to be permitted to regulate his own opinion and not opposing counsel. That is his opinion. It may or it may not suit Mr. Stallman.

Mr. Bain: There is no indication that the two properties were in the same condition when they were sold. One may have been an improved property and the other an unimproved property.

The Witness: I know the condition of both properties.

Q. In your opinion, Mr. Dunham, there is such a similarity—

Mr. Stallman: I ask for a ruling on my motion, if the Board please.

The President: Denied.

Q. In your opinion, Mr. Dunham, is there such a similarity in location and condition of these properties at the time of the sale that one is comparable with the other?

Mr. Bain: Objected to on the ground that there are no facts upon which a conclusion of the witness in that regard can be based, that has been stated so far.

The President: Read that question, Mr. Stenographer.

(Question read.)

Mr. Stallman: I also object to that question on the ground that the comparability of properties in that respect does not call for opinion evidence but for facts.

Mr. Bain: What we want to know first are the facts in regard to those two properties.

The Witness: I can give you them.

Mr. Stout: I insist that the question be answered. If counsel want to probe the witness's knowledge, why, that is their privilege.

The President: The objections are overruled.

A. I made an appraisement of the property which was sold to the Argam Tannin Company by Lever Brothers, about ten years previous to that for a man named—

Mr. Stallman: I object to that because it is too remote.

Mr. Bain: I understand the witness is about to say something that he did ten years previous to the sale?

The President: How is that, Mr. Dunham?

The Witness: What is that?

The President: Ten years before the sale?

Mr. Stout: As to conditions, I understand he is talking about now, and then he will, I assume, show that the condition at the time of the sale was the same as when he appraised it.

Mr. Stallman: That is immaterial.

The President: Proceed, Mr. Dunham.

Mr. Bain: I understand that the objection is overruled?

The President: Yes, sir.

A. At that time I made a survey of the property and I appraised the land and I appraised the improvements that were upon the land. That property was practically in the same condition at the time of the sale as it was about ten years previous. It was a portion of water front property without any docks or practically no water facilities that were utilized and it was partly filled in, with access to the River Road behind it, and with a small brick factory on it which was used as a chemical works, formerly belonging to the Bulls Ferry Chemical Company. That property was what I would call a partially improved piece of property. There was no bulkhead on it. It simply ran to the shore and was filled in two or three feet in height above the meadow. The property adjoining it which was purchased by the Larkin Company, was an undeveloped piece of property with the exception that it had upon it the remains of an old stone dock which went out some distance into the river. The difference in value between the two properties, due to physical conditions, was not more than $3,000 per acre. So that if you made a deduction because of physical conditions, the property of the

Argam Tannin Company would be worth about $3,000 per acre more than the property of the Larkin Company. The price paid for the Argam Tannin Company deducting for the improvements, would be in round figures about $22,000 per acre—or $21,000 per acre—as against the price paid for the Larkin Company in 1917 of around $14,000 per acre, indicating that between—

Mr. Bain: Now, just a moment. I object to a statement of a conclusion by this witness that a comparison of those two sales shows any increase in value, because by the witness's own testimony, the two properties are not comparable. The witness has testified one piece was worth at least $3,000 more than the other.

Mr. Stout: Why, I submit, may it please the Board, that that is ridiculous. We are not called upon to compare properties that are exactly similar. Is that going to be the standard?

The President: It would be rather difficult—

Mr. Stout: Why, the courts say substantially similar, and I think if you can get within $3,000 an acre, you are getting somewhere near making a comparison when values are up around thirteen or fourteen thousand dollars an acre.

Mr. Bain: My point is that here are two pieces of property admittedly in different condition by the witness's own testimony.

Mr. Stout: Well, the courts have said that there is such a similarity between adjoining

pieces of property that one can be compared with the other.

Mr. Bain: I would like to have my objection ruled upon.

The President: Overruled.

A. The price paid for the Larkin Company in 1917 as compared with the price paid for the Argam Tannin Company in 1920, making allowance for the difference in physical valuation, would indicate an increase of 50 per cent during those years.

Q. Mr. Dunham, in your opinion was there an increase in value of shore front property in Hudson County, January 1, 1921, over January 1, 1920?

Mr. Bain: The question is objected to on the ground it is incompetent, immaterial and irrelevant.

The President: Overruled.

A. Yes.

Mr. Stout: Take the witness.

CROSS-EXAMINATION by Mr. Bain:

Q. Do not the sales of water front property on the Hudson River and New York Bay indicate that the value of such property varies according to its condition and location? A. Yes.

Q. Is water front property on the Hudson River and New York Bay to the south of the Tide Water Basin of the Lehigh Valley Railroad in Jersey City less valuable than water front property on the Hudson River to the north of the Tide Water Basin? A. Yes.

Q. At what place or places along the Hudson River in Jersey City and Hoboken has water front property the highest value? A. On the Hudson River I think the high value is at Exchange Place, Jersey City, and Ferry Street, Hoboken, Hudson Place at the ferry.

Q. What, in your opinion, is the best use to which water front property on the Hudson River, Hudson County, can be put? A. Steamship, warehouse and railroad.

Q. Well, which is the best? A. Depending upon the location.

Q. Well, I am speaking now of the Hudson River. First consider Jersey City. A. I think the best use for the Jersey City water front is the use to which it is being put, which can be improved upon, of course, but I think ultimately that the best use will be railroad use in connection with warehouse and steamship use.

Q. Just what do you mean by railroad use in connection with warehouse and steamship use? Do you mean that the water front itself can be best used for steamship purposes? A. Combination of steamship, warehouse and railroad use.

Q. Not for ferry use in connection with railroads? A. No.

Q. Not for use for lightering in connection with railroads? A. No.

Q. Not for use for classification yards of railroads? A. No.

Q. So that in your opinion the present use of the water front along the Hudson River in Jersey City is not the best use? A. Not the highest use to which that can be put, but I think they are in the ownership or railroad corporations, who can make the best

use of those properties when the time is right and when they see fit to do it, and when conditions are such that they can do it.

Q. Well, in your opinion, is not the best use of the water front itself in Jersey City a use for shipping purposes? A. Of the water front strictly speaking?

Q. Yes. A. That is what it is for and that is what it is best fitted for, for shipping purposes.

Q. And the water front property would have the highest value for such use, assuming that that is the best use? A. The water front portion, yes.

Q. Well, now, how much of the front portion would be required for such use? A. That depends entirely upon the development. It might be necessary to build piers a thousand feet, or it might be more economical to build piers 2,000 feet or it might be more economical to develop them 5,000 feet. That depends entirely upon the conditions.

Q. Well— A. And the efficiency and economics.

Q. Well, is your knowledge sufficient to enable you to state whether the required piers should be five thousand feet or two thousand feet or one thousand feet long? A. Only the future can determine that.

Q. You can't state at the present time? A. I can state at the present time that the present idea is that piers a thousand feet or twelve hundred and fifty feet in length are about the ideal pier for an exclusive steamship use, but that is not the ideal for a combination use of steamship, railroad and warehouse.

Mr. Stout: I would like to know whether we are determining the value of this property as of January 1, 1921, or January 1, 2001?

Mr. Bain: I would, too. I am not sure from what the witness said that he hasn't stated the values as of 2001.

Mr. Wall: If you will explain it to the witness he will accommodate you.

Mr. Stout: Is that so? He isn't that kind of a witness.

Q. Now, at the present time, how much depth back of the pierhead line would be required for shipping purposes? A. At least a thousand feet, according to the present day notion of things, but it might be that less depth—you could get along with less depth; in fact they do get along with less depth than that; 600 feet for certain classes of shipping is sufficient.

Q. Do you know the length of the longest steamship now in existence? A. About 1,050 feet, something like that, as I remember it.

Q. Which one is that? A. That is the Leviathan, I think it is. There are very few ships coming into the harbor a thousand feet in length with forty foot draft. The percentage is very, very small.

Q. Well, now, assuming that thousand foot pier would be needed for shipping purposes, would there also be required some depth of back land in connection with the pier? A. Oh, yes.

Q. About how much? A. Well, at least 400 feet for a steamship and warehouse development; if, in connection with that there is a railroad development,

it would require a much greater depth; in fact for a combination steamship, warehouse and railroad terminal development it would require all of the depth for instance of the Lackawanna railroad yard.

Q. Well, what about the New York Central yard in Weehawken. That is used for combination railroad, warehouse and shipping use, isn't it? A. No, that is, what warehouses are there are located on the piers. That is not what we would determine a strictly warehouse use, where large warehouses could be built in back of the piers. You see, when you build a warehouse pier, you are restricted as to height and carrying capacity, but for large warehouses they have to be built back inland, when you have the sustaining power of the soil in order that you can carry it up to a greater height.

Q. Don't you know that experience has demonstrated that if warehouses are, we will say, more than a thousand feet back of the shore end of the pier, they are uneconomical? A. That is where you have got a pier construction, yes; where you resort to deep warehouse construction, you have got to then resort to your slips, and build very long, deep slips in order to accommodate that kind of construction. That is why I say that your slips or piers may have to be a thousand feet long or they may have to be five thousand feet long. It depends entirely upon the character of the development.

Q. How many sales were there of water front property on the Hudson River from 1916 down to date? That is, in Hudson County? A. Well, there were twelve sales, not counting resales. Twelve parcels of land were sold. Some were resold.

Q. How many of those sales were for shipping purposes? A. Practically all of them, so far as I know, because, for instance, the Luckenbach terminal, I presume, was for shipping purposes, although—

Q. The Luckenbach is engaged in steamship business? A. They are a steamship company. The property has not been developed, but I presume that is what they bought it for. The property of the Lord Construction Company, they are now operating a dry dock on their property known as the Lord Dry Dock Company. What the ultimate development of that property will be, I don't know.

Mr. Wall: Haven't they failed?

The Witness: I believe so.

Mr. Wall: They are not operating?

The Witness: They were operating; I don't know that they are operating now.

Mr. Wall: They haven't been able to maintain operation, have they?

The Witness: I understand not.

Mr. Stout: How were they on January 1, 1921?

The Witness: They were in operation.

A. (Continuing.) The two sales to the New York State Realty & Terminal Company, which is the New York Central Railroad Company, I of course, don't know what purpose they propose to put that property to. The sale to the Cunard Terminal Corporation, at Weehawken, was for a shipping purpose, a steamship and warehouse use.

Q. By the way, do you know whether a new bridge over the Hudson is contemplated? A.

It has been contemplated for the last thirty years to my knowledge.

Q. But very recently agitated? A. Yes, it is re-agitated.

Q. And do you know about where it has been determined to put that bridge? A. At about 59th Street, 58th or 59th Street, and landing over in Weehawken over at the West Shore yard.

Mr. Stout: Has it been determined?

The Witness: No. Well, there was a charter given to build a bridge at that point.

Q. Yes. That charter has actually been taken out? A. That charter has been in existence for thirty years, about.

Q. And how near is the western approach of that bridge to the new terminal property purchased by the Cunard Company? A. Why, the new terminal, as I recall it, is just about very nearly over the—just a little south of the ferry property of the West Shore Railroad Company. In other words, it is about over the property leased by the Cunard from the New York Central. It is right in that neighborhood, but the bridge lands at an elevation of one hundred feet above the yard.

Q. Yes.

Mr. Stout: Was the bridge there January 1, 1921?

The Witness: No, and it might not be there a hundred years from now. I hope it is.

Q. Is the water front of the Hudson River along the pierhead line deeper north of the southerly line of Hoboken than it is south of that line? A. No.

The deepest natural water front is along the Hoboken front, extending north for a short distance north of the West Shore ferry.

Q. That isn't the question I asked you, Mr. Dunham, just listen to my question again. A. Didn't I answer it?

Q. Is the water of the Hudson River along the pierhead line deeper north of the southerly line of the City of Hoboken than it is south of that line?

Mr. Wall: Taking the southerly line of Hoboken as the dividing line.

(Witness refers to map.)

A. No, I should say that there was about a natural depth of 40 feet of water along the Hoboken front. I know that there is that much at the North German Lloyd and the Hamburg-American piers which is the southerly line of Hoboken and north, too, I believe, including the ferry of the West Shore and for a short distance north there is a natural depth of water of thirty-five to forty feet.

Q. So that north of the southerly line of the City of Hoboken there is a depth of from thirty-five to forty feet? A. Natural depth, yes.

Q. Natural depth along the pierhead line? A. Yes.

Q. Now, is the depth of water along the pierhead line south of the southerly line of the City of Hoboken as deep as thirty-five or forty feet? A. Not natural.

Q. I mean natural depth? A. Not a natural depth, but there is a channel dredged along that front.

Q. Not the main channel of the river? A. It is not the main channel. The main channel of the river is the natural channel of the river. It is the dredged channel.

Q. And there is no continuous channel along the pierhead line south of the southerly line of the City of Hoboken thirty-five or forty feet deep, is there? A. No, thirty feet.

Q. You mean to say that there is a natural—that there is a dredged channel thirty feet deep along the entire pierhead line in Jersey City? A. Yes.

Q. Are you sure of that? A. That is what the Government maps show.

Q. Don't you know, as a matter of fact, that there isn't thirty feet of depth along the pierhead line immediately south of Exchange Place in Jersey City? A. It was dredged for thirty feet. It may have shoaled to 25.

Q. Don't you know that there is a ledge of rock in front from those piers that makes a depth of thirty feet impossible? A. No, I don't know that.

Q. Don't you know that the ledge of rock is there? A. No.

Q. Haven't you heard it testified it was there? A. No.

Q. Have you ever made any borings to find out? A. I have at different points, yes.

Q. What does your Government chart show as to the depth of water immediately in front of the first pier south of Exchange Place? A. (Refers to map.) I don't seem to have that sheet with me, but my recollection—

Q. I object to your recollections. I am asking you what the Government chart shows.

Mr. Stout: Well, let's have the Government chart. Do you want the best evidence today? You wanted it yesterday.

The Witness: I have a copy in the office, I thought I had it, but it shows the thirty foot channel along the entire Jersey City front.

Q. What is the depth of water immediately in front of the Harsimus yard of the Pennsylvania Railroad at the pierhead line? A. Thirty feet.

Q. Sure it isn't 26? A. There was a thirty foot channel dredged. What it is today I don't know, it may have shoaled up some since.

Q. Well, what depth of water there is, Mr. Dunham, in front of the pierhead line in Jersey City is an artificial depth, dredged depth? A. It is dredged, the channel dredged by the Government along that entire front.

Q. And that channel has got to be maintained, hasn't it? A. Yes.

Q. By dredging? A. (No answer.)

Q. By dredging? A. I presume so.

Q. The channel thirty-five or forty deep along the pierhead line north of the southerly line of Hoboken is a natural channel? A. That is a natural channel, yes, natural depth of water.

Q. And because of that natural channel, the water front north of the southerly line of the City of Hoboken has some advantage over the land south? A. For certain purposes.

Q. That is, for shipping purposes? A. No. For large steamship use, for the floatage of the very largest steamships.

Q. In making your appraisals of the railroad yards in Jersey City, what consideration, if any, did you

give to the fact that tunnels have been constructed under those yards? A. None. Except the facilities which the tunnels give to the company for the handling of its passengers.

Q. That is, you considered the advantages of the tunnel? A. The advantages of the tunnel.

Q. But didn't consider the effect of the tunnel casements on the value of the lands themselves? A. No.

Q. Now, you have stated that in making your appraisals, you considered the value of these lands for railroad use. How did you determine the value for railroad use? Or first let me ask you what is the value for railroad use at the present time? A. What they would pay for land for that purpose.

Q. They didn't buy these lands for that purpose within the last ten years, did they? A. Right in that particular location, no.

Q. So that you can't tell what the value is for railroad use, because of any prices paid by the railroad companies? A. Not in that locality.

Q. I think you said in your testimony as to qualifications, that you were a director of the Raritan River Railroad? A. Yes.

Q. Familiar with railroad operations, aren't you? A. Yes.

Q. Now, how—and you are familiar with the condition of the railroads of the country during the last four or five years? A. I am.

Mr. Stout: I object. Conditions, what do you mean? Physical conditions?

The Witness: Well, I understand what he means.

Mr. Stout: Well, I object to that as being immaterial as to what the financial conditions

of the railroads are unless we are here valuing the franchise of the railroads. If it is the value of land that we are considering, then the success or non success of the railroads is not in question.

The President: I think I will exclude that, Mr. Bain:

Q. How did you determine the value of these lands for railroad use? A. By comparison with the sales of other lands for practically similar uses and—

Q. Now, just stop there, if you please. What other sales of land were there for practically similar uses? I thought you said that almost all of the sales from 1915 to date were for shipping purposes? A. Nearly all of them. Two sales made to the New York Central—I don't know what purpose they propose to put it to, but there was a purchase by a railroad company.

Q. So that you can't say that those purchases were for use for railroad purposes? A. I don't know whether or not they were, but my judgment is that the railroad companies don't pay any different prices for property for terminal uses than anyone else pays.

Q. Well, now, let's stop there. They sometimes pay less, don't they? A. I don't think so. They may.

Q. The D., L. & W. paid less for the Ocean Steamship property and the Manor Real Estate property than the Cunard Company paid for the property it purchased? A. No. I think they paid more.

Q. Why, didn't the D., L. & W. pay on an average $59,000 an acre for the Ocean Steamship property and the Manor Real Estate property, while the Cun-

ard paid $64,000 an acre for its property? A. Yes, but there was five years intervening between those sales.

Q. Well, now, go on, Mr. Dunham, and tell us how you determine the value of lands for railroad use. A. I determine it for railroad use as I would determine it for practically any other use. In other words, I don't think that the railroad paid or would pay for this class of property, any different values than a steamship or a warehouse company would pay. In other words, all of the sales which I have analyzed in connection with my general knowledge of property values, indicates to my mind that everybody pays about the same price for this character of land.

Q. Mr. Dunham, will you please state any purchase by a railroad company of water front lands, in either Jersey City or Hoboken of the same size as the property purchased by the Cunard Company? A. There isn't—there wasn't any such property bought or sold in Jersey City or Hoboken, in fact, there isn't any such property of similar size or shape in Jersey City or Hoboken as the Cunard except the properties occupied by the railroad companies, and already occupied by steamship companies. The only sales that were comparable were sales made years ago by two of these steamship companies on the Hoboken front, and that is a considerable distance back, but I have analyzed their sales back for forty years, and in making my analysis, running back as far as forty years, I have compared prices paid by steamship companies as against prices paid by railroad companies. For instance, if you go back—

Mr. Bain: Well, I move that the last be struck out on the ground that it is not responsive.

Mr. Stout: Oh, well, I insist—

Mr. Bain: I think I have the right to have my questions answered without a long discussion.

Mr. Stout: I submit that the witness has the right to explain his answer. You want to be careful when you ask your questions.

Mr. Bain: I will ask to have my question read and ask the Board to rule whether I haven't got a full answer, and will move to strike out the rest on the ground that it is not responsive.

Mr. Stout: You haven't got all the witness knows about it.

Mr. Bain: I may not get that if I sit here for a week.

Q. Now, Mr. Dunham—

Mr. Stout: Let's have the question read.

Mr. Bain: All right.

Q. (Question read as follows): "Mr. Dunham, will you please state any purchase by a railroad company of water front lands in either Jersey City or Hoboken of the same size as the property purchased by the Cunard Company?"

Mr. Bain: Now, the witness can tell me whether there was or was not.

Mr. Wall: He says there was not.

A. Well, as to time—there were purchases in Hoboken that would compare with the size of the prop-

erty purchased by the Cunard Company if you go back far enough.

Q. Well, I think I limited my question. If I didn't I will limit it to the last five years. A. If you want to limit your question as to certain years, why then I say that there were no sales of comparable property, that is, as compared to frontage and size, except the re-sale of an improved piece of property, which I don't consider a sale of the North German Lloyd and the Hamburg-American Steamship plots taken over by the United States Government.

Q. None of the railroad yards in Jersey City, that is, north of the Lehigh Valley Tide Water Basin were purchased by the railroads *in toto,* were they? A. Why, the Lackawanna yard—

Q. That is *in toto* as the yard now exists? A. The Lackawanna yard is the nearest approach to it. There has been very little added to the original purchase of the Lackawanna yard.

Q. The shore line has been extended considerably, hasn't it? A. Well, they have extended it by filling out and bulkheading into the cove, but the—

Q. As a matter of fact, the railroad yards in Jersey City are a matter of growth, aren't they? A. Yes, the Lackawanna less than any as to its terminal yard. The Harsimus yard spread out to the south by acquiring a number of properties. The main terminal yard of the Pennsylvania Railroad has grown from a two plot area as originally used to several blocks, which were acquired from time to time. The—well, you said north of the Gap, as I understand it.

New Jersey State Library

Q. Well, what you say means that originally these yards were much smaller than they are and as the business increased the size of the yards has increased, isn't that so? A. Well, the Erie yard has not grown very much since its original purchase, that is, the Long Dock Railroad Company—

Q. Well, it grew to the extent of at least a block or two out into the river? A. Well, it went out as the pierhead or bulkhead lines were extended from time to time, but back land the Erie has not added very much to back land. That is, it hasn't gone much behind the original shore line. The Lackawanna has grown very little behind the original shore line, and the Harsimus yard of the Pennsylvania has grown very little behind the original shore line. There extension has been to the south on the front of the yard.

Q. But all of these railroad yards have been extended to the front of the old shore line for at least a distance of four or five hundred feet or more? A. You mean since the original—

Q. Yes. A. Construction?

Q. Yes, from the original shore line? A. I don't think so. They may have extended the piers, but I don't think that there has been any extension of bulkheads in any of those yards since the original construction. I don't know of any.

Q. Do you know where the original shore line was in front of the Pennsylvania yard? A. Yes.

Q. It was near Hudson Street, wasn't it? A. The main terminal yard?

Q. Yes. A. The original shore line was near Hudson Street.

Q. That is a block back from the present bulkhead line? A. That is a block back.

Q. And the original shore line in front of the Erie yard was at Provost Street, just east of Provost Street? A. Yes, just east of Provost Street.

Q. That is a block back of the present bulkhead line? A. Well, no, no. The Erie yard at Provost Street is a block back of the bulkhead line?

Q. Yes. At least a block back. A. Well, that is about 2,000 feet, 2,500 feet.

Q. Yes. Now, Mr. Dunham, doesn't the market value of anything, speaking commercially, depend upon the profitable use that can be made of it? A. Not necessarily.

Q. You don't subscribe to that as a theory? A. No.

Q. Well, then, what does regulate the value of things commercially? A. Supply and demand.

Q. You don't think that the profitable use that could be made of lands or buildings has very much to do with the market value? A. It may or it may not. You take a piece of property, going property, whether it is profitable or not, so long as it isn't in the market for sale, it has a value.

Q. In your opinion, has land for use for railroad purposes any particular market value regardless of whether or not the use of the railroad is profitable? A. I think it has a value as a railroad property—

Q. A market value? A. Yes.

Q. Regardless of whether or not the railroad is profitable? A. What is the question?

Q. Regardless of whether or not the railroad is profitable? A. Is profitable? Yes.

Q. Do you think that purchasers would pay any particular price for property for use for railroad purposes if the use for such purposes was unprofitable? A. Why, yes, that is done every day.

Q. Well—every day? A. Yes.

Q. Do you know of any— A. Not particularly with the railroad companies but—

Q. Well, I am speaking of railroad companies. A. Well, a railroad company is no different from any other large corporation. That is, as to whether they are profitable.

Q. Have there been any new railroads laid out in New Jersey in the last five years? A. No.

Q. Well, now, Mr. Dunham, I am not clear yet as to how you determine the value of property for railroad use. You said you did it by comparison with the prices paid for property for such use, and speaking now of water front property, there have been practically no sales of water front property for railroad use during the last five years. A. Well, I started to tell you and you wouldn't let me. You checked me.

Q. Well, what else did you consider in determining value for railroad use? A. I consider what railroad companies pay for this class of property and I consider what other individuals pay or steamship companies or industries pay for the same class of property. If you want to confine me to a limited period when there are no such comparisons to be made I can't answer you, but the history goes back further than that.

It goes back forty years, at the time the railroads were purchasing this class of property and at the time individuals were purchasing the same class of property.

Q. Well, I think, Mr. Dunham, that events that happened forty years ago are too remote. A. I don't think so as to the theory as to whether railroads do or do not pay more for this class of property than individuals or other companies.

Q. You think that the condition of the railroads is about the same today as it was forty years ago, do you? A. I don't care anything about the condition of the railroads.

Q. You say you don't know or don't care? A. I don't care who is going to use it as to what they would pay for a piece of property.

Q. Well, now, will you please state your value per front foot of the New York Central yard in Weehawken? A. I did not value it by the front foot.

Q. No, but I want you to give me the value per front foot. A. Well, all you have to do is to divide my total valuation by the total front feet.

Q. Have you done that? A. No, I will do it if you want me to.

Q. I would like to have you.

Mr. Stout: I submit, may it please the Board, that this is a matter of calculation, and if Mr. Bain wants it, let him do it. I don't know why the witness should be called upon to multiply or add or divide for Mr. Bain.

Mr. Bain: I think the witness ought to know these facts if he is going to continue the discussion.

Mr. Stout: Well, you may think he ought to know these facts, but it is only a question of division.

The President: A question of what?

Mr. Stout: He is calling upon the witness to divide the frontage of the West Shore yard into the area to find out what the front foot value is.

Mr. Bain: I am not sure that the witness knows the number of front feet there are in the yard yet.

Mr. Stout: Is that so?

The Witness: Why, the number of front feet in the yard in the property under review is 6,712 feet, according to your own map.

Mr. Stout: May it please the Board I would like to have a ruling as to whether the witness shall be called upon to make divisions for the convenience of opposing counsel?

The Witness: I have no objection to doing it, if it will be of any assistance.

Mr. Bain: Well, it is a matter of division, Mr. Stout, I won't take up the time.

Mr. Stout: Surely, it is a matter of division and it is a matter of argument.

Mr. Bain: I was going to follow it with some further testimony along the same line.

The Witness: I will be glad to do it for you if you want me to.

Mr. Bain: No, I won't insist upon it, Mr. Dunham.

Q. Mr. Dunham, isn't it a fact that the Cunard Company bought some of its back land for $15,000 an acre? A. For $15,000 an acre?

Q. Yes. A. No. They bought it for $13,000 an acre.

Q. That is, the Cunard Company bought some of the back land in its new terminal for $13,000 an acre? A. They bought a tract of land from Henry containing about 6.9 acres for $90,000.

Mr. Stout: A mountain with it?

The Witness: Yes. They bought the Palisades.

Q. Wasn't it a fact that the Cunard Company bought that land, Mr. Dunham, for about $11,000 an acre? A. No, they bought it for $13,000 an acre. The price was $90,000 and there was 6.9 acres in it. I know that because I made a survey of it.

Q. Now, these two sales by the New York State Realty & Improvement Company—two purchases rather, by the New York State Realty & Improvement Company, they were both purchased from the same owner, were they not? A. Why, practically the same owner, yes. One was the Edgecliff Realty and the other the Lord Construction Company, and they are practically the same people.

Q. In making your appraisals of the lands under consideration, did you assume that those lands would be placed in the market and assume that the seller

would be a willing seller and that the buyer would be a willing buyer? A. No, I do not. I do not assume that there is a willing seller in any case where the railroad companies are in possession.

Q. Well, you didn't base your valuations— A. I presume that there would be a willing buyer at that price, but as to the seller being willing, I have my doubts about that.

Q. Well, in making your appraisals, did you consider hypothetical sales, of these lands under consideration? A. Why, I have got to compare these with other properties and with other sales in order to determine what these values would be were there a case of a willing seller and a willing buyer. In other words, it would be a hypothetical sale.

Q. So that in making your appraisals you considered hypothetical sales, of all of this property under consideration? A. Yes, yes, I must do that on railroad properties.

Q. You based your appraisals upon a shortage of supply and excess of demand? A. No, no, I have based my appraisals on sales, primarily, and I have based my increases of valuations upon decreasing supply.

Q. Well, now, if these large— A. And the increase of values due to decreasing of supply.

Q. So that the question of supply and demand did enter into your appraisals? A. Oh, yes, that enters into any appraisal.

Q. And in making your appraisals you considered that there was practically no supply? A. Yes. So far as the Hudson River front is concerned.

Q. Now, the only sale of water front property in Jersey City in the last five years, that is, north of the

Tide Water Basin was the sale by the American Coal Company to the International Elevating Company in 1916. A. Yes, that is the only piece of property that was not in railroad ownership or control.

Q. That was the only piece sold? A. The only piece that could be sold.

Q. And do you know what business the International Elevating Company was engaged in at the time it purchased that property? A. Floating grain elevators.

Q. That sale was in 1916? A. Yes.

Q. That is, the International Elevating Company was engaged in taking grain from railroad cars into floating grain elevators and conveying it by those floating grains elevators to steamships for shipment to foreign ports? A. And in conveying it from grain boats into steamships, and from boats into elevators.

Q. And at that time there was a very active demand for grain for shipment abroad because of the war in Europe? A. I presume that is so, I don't know, but that is the current notion.

Q. Don't you know it is a fact that the United States was supplying almost the entire grain for use during that time? A. I know there was a great deal of grain shipped abroad. That is, I know it from statistics, not from personal knowledge.

Q. Mr. Dunham, you appraised all this meadow main stem of the Erie Railroad Company at $2,500 an acre, didn't you? A. Yes.

Q. There have been sales of that meadow property for much less than $2,500 an acre, haven't there? A. Not of main stem that I know of.

Q. There have been sales of other meadow property at less than $2,500 an acre? A. Of other property, you mean?

Q. In the vicinity? A. Yes.

Q. And there have been sales for less than $2,000 an acre, haven't there? A. Yes.

Q. And there have been sales for as low as $500 an acre? A. Yes, sir; some as high as $3,500 an acre.

Q. The meadow property for which $3,000 an acre or $2,500 an acre was paid, was chiefly along the Hackensack River? A. Along the Hackensack, yes, without any rights, though; without any riparian rights.

Q. Still on the water front? A. Yes. It borders on the river.

Q. Mr. Dunham, about the purchase by the Edgecliff Realty Corporation of the property at one time owned by the Woodcliff Land & Improvement Company, you mentioned a contract for the sale of that property made in 1918. Are you familiar with the circumstances of that transaction? A. I think I am.

Q. Don't you know that in 1918, while the war was in progress, the Weehawken Dry Dock Company obtained an option on that property for the purpose of building a dry dock? A. That was the original purpose, yes.

Q. And what you have referred to as a contract was an option? A. Yes, that was an option, and a contract.

Q. And when you stated that $100,000 was paid for a continuation of that contract, what you meant was that the option was extended from time to time upon the payment of that sum? A. Yes.

Q. And that sum was ultimately deducted from the contract price? A. No.

Q. Do you know that or don't you? A. I know it was not. I know one payment of $100,000 was deducted, but the $100,000 for the extension was not deducted.

Q. Don't you know that the total price paid ultimately for the property was the price fixed by the original option? A. $2,000,000.

Q. That was the same as that fixed in the original option? A. Yes.

Q. Now, after the Weehawken Dry Dock Company got the option, it assigned the option to the Edgecliff Realty Corporation, didn't it? A. Yes.

Q. The Edgecliff Realty Corporation was one of the subsidiaries of the Lord Dry Dock Company, wasn't it? A. Yes.

Q. And the Edgecliff Realty Corporation conveyed the property to the Lord Dry Dock Company? A. Yes.

Q. Other properties were conveyed to the Lord Dry Dock Company, were they not? A. You mean other than this property?

Q. Yes. A. I don't know.

Q. Was the Jones property conveyed to the Lord Dry Dock Company? A. Oh, you mean—yes, the Jones was sold to it.

Q. Well, the fact is that the Lord Dry Dock Company— A. Yes, the Jones property was sold to the Lord Realty Corporation.

Q. The fact is that the Lord Dry Dock Company purchased several pieces of property adjoining it for the purpose of building a large dry dock? A. They bought one piece adjoining it.

Q. They bought two separate pieces of property? A. Yes, they bought the Woodcliff property—yes, they bought the Woodcliff property and they bought the Jones property—

Q. Having a combined frontage of about 2,000 feet on the pierhead line? A. Well, the Woodcliff had a frontage of 2,165 feet and the Jones had a frontage of about 437 feet.

Q. Didn't the Lord Dry Dock Company also buy the Twombley property? A. Yes, they bought it and sold it the same day.

Q. Yes, they bought it and sold it the same day. Now, to whom was the Woodcliff property originally sold, the Edgecliff Realty Corporation? A. The Edgecliff Realty Corporation.

Q. And to whom was the Jones property originally sold? A. The Lord Realty Corporation.

Q. The Lord Realty Corporation. Now, those two corporations conveyed the property to the Lord Dry Dock Company? A. Yes. I understand they did.

Mr. Bain: That is all.

By Mr. Stallman:

Q. Mr. Dunham, Mr. Wall wasn't here yesterday, but as I understood your valuation of the New York Central yard was that you took sales of the areas in that neighborhood and added on ten or eleven thousand dollars an acre and fixed a value of $75,000 for the water front lands? A. Yes.

Q. Of the New York Central? A. Yes.

Q. And in valuing the properties of the Lackawanna yard and the Erie yard and the Harsimus yard of the Pennsylvania, you got that quickly by simply adding sixty per cent to the value of the New

York Central yard? A. No, I didn't get it that way.

Q. Isn't that what you said? A. I said it was worth sixty per cent more than the West Shore yard; as the result of my appraisal of the Lackawanna yard, that is what it proved to be, and I think that is so.

Q. Now, were there any sales which pointed out the value of $25,000 an acre on the slope lands of the New York Central, in Weehawken? A. Yes.

Q. Any sales that you have testified to? A. Well, I say sales, you have got to analyze it, you have got to analyze these sales of the Woodcliff Land Company and the Shamberg sales. I appraised—

Q. Just a minute, just a minute. Have you any knowledge of the thoughts of Shamberg or the other owners of those properties at the time they sold them? A. I have, as to the Woodcliff, yes.

Q. Shamberg? A. Yes, I have talked with Shamberg.

Q. And did he tell you how he thought over the value of the back land, the boulevard portion of his lands, as distinguished from that that ran down to the water? A. Not so much the back portion as the front portion of the land, and—

Q. But these analyses that you have made of these slope lands and quarry lands along the Palisades are mostly your own working out of those figures rather than any facts communicated to you by the owners, isn't that so? A. Well, as to the subdivisions of the uplands, yes, but as to the—

Q. Yes. A. —general average of the valuation of the back lands, no.

Q. I have a note here, Mr. Dunham, on my sheet that you made a rough calculation of the difference in value between improved property and unimproved property of about $10,000 an acre. Is that the right figure? A. Yes.

Q. Now, you have just been telling Mr. Bain about this Jones property. You question the area there. Now, the map shows that it is about 436 or 437 feet front and about 1,400 feet in depth. That makes just about 15 acres, does it not? A. Well, I made it 13 and a half acres.

Q. What are your dimensions, Mr. Dunham? A. I haven't my map here of that. I have a memorandum of it on the larger map but I don't think—

Q. Would you call that about 437 feet front? A. Yes, that is about right; 436½ feet.

Q. And that if the map is correct, or if the deed is correct in stating that acreage to be 15 acres at $350,000, the price was $23,500 an acre in round figures, was it not? A. Yes. Your map says here $23,900 per acre.

Q. Call it $24,000 in round numbers. A. I think your acreage includes the area of the road, which should be deducted.

Q. And the sale by the Edgecliff Realty Company to the Lord Dry Dock Company is also at the same price per acre, is it not, about $24,000? A. That was for the entire property.

Q. No, I am speaking of the sale by the Edgecliff Realty Company to the Lord Company, $1,666,000.

A. Yes. That was for water front and back land.

Q. I see. And that works out about $23,500 to $24,000 an acre, does it not? A. Yes; averaged over water front and back land both.

Q. Do the twelve parcels of land that have been sold in Hudson County in the last five years comprise the 6,000 feet or 25 per cent of water front lands in Hudson County that you mentioned in your direct testimony? A. Yes. They comprise 8,682 feet of frontage.

Q. Eight thousand— A. Six hundred and eighty-two feet.

Q. Six hundred and eighty-two feet. That is all in Hudson County? A. Yes; with the exception of a little piece of the Shamberg which runs into Bergen County.

Q. Does it include any sales in Bayonne? A. No, only sales on the Hudson River, the one to the International Elevating Company being the one furthest south and the one to the Luckenbach corporation being the one furthest north.

Q. Now, you state that you value the Lackawanna yard at $120,000 an acre. Do you concede that there are different values in different parts of the property? A. No.

Q. That is about $2.75 a square foot? A. Yes.

Q. Has it any influence on your judgment that the railroad company has within the last year purchased lands in this yard and in the immediate vicinity at 85 cents to a dollar and a quarter a square foot? A. No.

Q. Do you believe, Mr. Dunham, that if the D. L. & W. Railroad Company should desire to sell a portion of its yard abutting on Henderson Street, five

or ten acres, they could get $120,000 an acre for it?

Mr. Stout: Well, may it please the Board, it seems to me that we are appraising these properties as they existed on January 1, 1921.

Mr. Stallman: Oh, well, I will say on or about January 1, 1921.

Mr. Stout: Why, it seems to me that it is no evidence of the value of this terminal yard of the D., L. & W. Railroad Company to cut a piece out of it somewhere and say what that would bring on the market.

Mr. Stallman: That is what I want to know.

Mr. Wall: It is a good standard to stick them by but it is no standard to let them gain anything by.

Mr. Stout: No, no. I don't think—

The President: I will admit the question.

Mr. Stout: All right, sir.

The Witness: What was the question?

Q. (Question read.) A. I think you could get anywhere from two dollars and a half to two dollars and seventy-five cents a square foot for it.

Q. Do you think the values of that portion of the yard are as established by sales of land in that vicinity? A. For other purposes perhaps, but not for railroad use. It might be that for—

Q. Now, just a minute. A. —a tenement house, or for a warehouse, or for a cigar factory, or for some other use that land might be regulated

as to what they could get a similar piece of property in the neighborhood for.

Q. Then, do I understand that your valuation of $120,000 an acre depends upon the fact that it is owned by the railroad company? A. That it is in one ownership.

Q. Well, then, just tell me again, that if the Lackawanna Railroad Company should sell as of the date in question all of that part of its yard between Henderson Street and Provost Street, running from Ferry Street to Sixteenth Street, assuming that that should contain ten acres, offered in the market, that it would bring $120,000 an acre. A. It might. It might bring less, or it might bring more.

Q. Would your judgment upon that question be at all influenced by the sales of lots in that immediate vicinity as of about the same time? A. There are no sales of lots that abut the terminal yard with the exception of one little piece about 50 feet square. As to what property would bring, as to what value lots would sell for somewhere back of the yard, within a block, two blocks, three blocks or four blocks, has absolutely no influence upon what value I would put on the Lackawanna yard.

Q. How about the property immediately across from Henderson Street? A. No influence on it at all.

Q. Do you consider that the purchase by the Railroad Company of the lot on the easterly side of Henderson Street about opposite Eighteenth Street at a dollar and eight cents a square foot is any indication of the value of that land? A. No, no more so than the purchase of a button to go on your coat would be the—indicate the value of your coat.

Q. How much do you add on account of bringing the ownership of this large parcel into one title? A. What was that?

Q. I think you said that where you combine these properties under one title it makes a difference in the value. You said that, didn't you? A. Yes; I said a large tract in one ownership makes a difference—

Q. In other words, you are putting a plottage element into it. A. Necessarily the plot element goes into all—

Q. How much is that? A. —large tracts of land.

Q. How much did you add in this case? A. I didn't add any particular plottage element in this. because I didn't take it up in plots. That would necessarily be so where you arrive at a value by separate units or separate parcels and then add a plottage value to the whole tract. Whatever value this has includes any plottage value which might have been added to it at the time of the purchase. I value it as an entire tract of land, as is.

Q. All right, tell me this, Mr. Dunham: The Lackawanna Railroad owns all of the property on the easterly side of Henderson Street between Ferry Street and Sixteenth Street. It has also acquired considerable land on the westerly side of Henderson Street between Ferry Street and Sixteenth Street, at prices running from a dollar or ninety cents to a dollar and a quarter, or maybe more, per square foot, right across Henderson Street. Now, why do you make an appraisal at so much higher values than the lands were bought for immediately across the street? A. I am not appraising your railroad yard as

an industrial site, or as building lots. I am appraising it as a railroad yard, fronting on the Hudson River, with the peculiar value which goes to that location and to that use.

Q. And can you tell me how much more value you attribute to this land when it is brought into the railroad yard over the value that is paid for it, or the value of adjacent lands? A. Whatever value the adjacent lands have as compared with the railroad yards is merely an incidental value. It may be a value created by the yard itself, or it may be higher, it may be lower, depending upon what influence the yard has on the value of adjacent properties. Sometimes the presence of the yard appreciates values, sometimes the presence of a railroad yard depreciates values, depending on the nature of the property.

Q. But you are very certain that the purchases of land in the immediate vicinity of the rear of the Lackawanna Railroad has no influence in determining the value of that part of the yard? A. My idea is that—

Q. Well, now, you can answer that yes or no. A. —the value—I say it has no influence upon the value of the yard.

Q. Is there any property in Jersey City, Hoboken or Weehawken that has been sold and resold within the last five years? A. You limit that to where?

Q. Jersey City, Hoboken or Weehawken, in Hudson County, on the water front. A. I don't know of any.

Q. Now, am I correct in my recollection, Mr. Dunham, that you stated that the purchase by the United States Government from the American Warehouse Company was about at the same rate per acre as the purchase of the Hudson Realty

Company from the Ocean Steamship Company? A. I get my information on that from Mr. Ryer, who was concerned in that sale.

Q. Well, you believe that to be true? A. What did he say?

Q. You believe that to be true? A. That I don't know. I don't know anything about it except as I get my information from Mr. Ryer. It may be true—

Q. Well, you also said if that is so you felt that it was a sale at market value? A. Yes.

Q. Assuming it to be so? A. Yes; so far as the land value is concerned.

Q. Oh, yes, of course. A. If that was the proportion assigned to the land.

Q. Now, in arriving at the values you have put upon these yards, do you assume that there would be a market for these very large areas? In other words, if you could conceive of the railroad companies offering to sell them, is there any demand that would take up all of these lands? A. I think so.

Q. And where would that demand come from? A. Railroads.

Q. What is that? A. Railroads.

Q. Have you any particular railroads in mind that would purchase this property, if the present occupants should give them up? A. No.

Q. So that as a practical matter, if the railroad companies should give up these lands for railroad purposes there is no buyer in prospect? A. Oh, I think they would be grabbed up immediately by some other railroad.

Q. Well, there are no railroads running into this territory except those that are in this proceeding, are there? A. No, not at the present time, but they are all looking for more land.

Q. Well, outside of some mythical railroad, I will put it that way then, there is no immediate prospect, there would be no immediate prospect of selling these large areas to anyone else? A. Yes.

Q. To whom? A. The port authority.

Q. What is that? A. The port authority.

The President: The port authority?

The Witness: The port authority.

Q. And for what purposes? A. General port development.

Q. Steamship? A. Any use to which they might want to put it; steamship or railroad.

Q. At a hundred millions of dollars or more? A. Yes.

Q. Do you believe that the state agency or port authority, would pay more money for any of these lands than the United States Government? A. Yes.

Q. You haven't any reason for that, have you? A. No; I believe they would pay the market value of the lands. I don't think that they would confiscate them; they can't confiscate them.

Q. What property along the Hudson River do you consider to be the most highly developed for steamship uses? A. The North German Lloyd and Hamburg-American, in Hoboken.

Q. Yes. And would that development indicate the highest value for such shore lands? A. For that particular use, yes.

Q. Yes. Of course they have no rail connection. A. No.

Q. At the time of the purchase by the International Elevator Company of the American Coal Com-

pany property, was there any other available and suitable property which the International Elevator Company might have purchased in a convenient location? A. I don't know.

Q. Well, what do you mean when you say you don't know? A. Well, they have the whole Harbor of New York to work on. I don't know what their requirements were.

Q. Well, didn't you analyze that sale, as Mr. Stout puts it? A. I analyzed the sale; I talked with the people; I know the International Elevating people very well and—

Q. Then, you have some knowledge of what their requirements were, in view of those unwieldly elevating barges that they have, do you not? A. They told me that they tried to purchase the most convenient point in the harbor for their business.

Q. Yes. A. That is the reason they bought.

Q. Do you know if there was any property—

Mr. Wall: I don't think Mr. Graham ought to drop suggestions to the witness. He said something and the witness unconsciously picked it up, and I suppose he unconsciously made the suggestion, but it isn't a good habit.

The Witness: Well, you can strike out the latter part.

The President: Whom do you mean?

Mr. Wall: Mr. Graham. I don't suppose he meant to do it.

The President: No, no; he lapses into that.

Mr. Graham: It was not intended for Mr. Dunham's ears, but for Mr. Stout's ears for re-direct examination.

Q. Now, Mr. Dunham, there is no use of evading it. Isn't it a fact that there wasn't any—

Mr. Stout: I object to counsel using the word "evading."

The Witness: I am not trying to evade anything.

The President: Using what, Mr. Stout?

Mr. Stout: Counsel characterizing Mr Dunham's testimony as evasive.

The President: Well, I think that is a sort of prefactory emanation that might be—

Mr. Stallman: May I proceed, Mr. Stout?

Mr. Stout: Oh, yes.

Q. You know, Mr. Dunham, that in view of the holdings of the railroad companies that the available frontage for the needs of the American Elevator Company was quite limited? A. So far as Jersey City was concerned, yes.

Q. Yes. And you also know that the International Elevating Company wanted to locate in Jersey City, and not in Staten Island, or in Bergen County? A. Well, presumably they wanted to locate there, because that is where they bought.

Q. So that, as a matter of fact, for the International Elevator Company, who wanted to locate in Jersey City, that American Coal Company property was the only one that was for sale and available for their use, isn't that so? A. That is the only property that was for sale.

Q. Was there any other property available for their use that you know of? A. Yes.

Q. What was that? A. They could have leased property from the Lehigh Valley, Morris Canal & Banking Company.

Q. Could they have purchased any? A. No.

Q. Then, it comes down to the fact that that parcel was the only one available and for sale that you know of? A. It was the only property in Jersey City that wasn't owned or controlled by a railroad company, except the Morgan Dock, which belongs to the City.

Q. Now, you said a great deal in your testimony about price and value of lands being affected by the supply, the diminishing supply. A. Yes.

Q. Now, don't you think that the same thing held true with regard to the purchase by the International Elevating Company, that they were buying in a very limited market? A. Why, surely, surely; that goes without saying.

Mr. Stallman: That is all.

By Mr. Wall:

Q. Mr. Dunham, your method of valuation is to take a foundation of actual sales? A. Yes

Q. Isn't it? A. Yes, largely; that is one of the largest elements in it.

Q. Well, that is your foundation and your method? A. Practically.

Q. And the beauty of that is that all this talk about value, all these dreams about profit, are all washed out in the actual sale, what the people agree upon, isn't it? A. That is one of the beauties of sales, not any one particular sale, but a series of sales, yes.

Q. Yes. Now, then, having got that foundation, you then proceed to the superstructure of your valuation scheme, and you add something to actual sales to express the value of a given parcel, that is right, isn't it? A. I add the difference between an improved and an unimproved piece of property

Q. Yes, but you add more than that, don't you? A. Due to the difference of condition.

Q. What? A. Due to the difference of physical condition of the properties.

Q. Yes. Now, for your superstructure, you add some amount that is not based on any experience like a sale that you can refer to, but rests on some theory of improvement, or something of that kind, is that correct? A. No; no, that doesn't rest on any theory at all.

Q. Well, it doesn't rest on what men have done, as they do when they agree on a sale and say sold at that price? A. Yes.

Q. Does it? A. Yes.

Q. Well, then, what are these factors that you add to the amount indicated by actual sales? A. The difference between an improved and an unimproved piece of property.

Q. As evidenced by what? A. As evidenced first by cost of making such an improvement, that not necessarily being the controlling element.

Q. Well, now, don't let's go too fast. You add a further price to express—the cost is it? A. Cost is the large element, but cost doesn't always indicate the difference.

Q. Cost of what? A. The cost of making the improvement. That is, the ordinary cost of making an improvement equivalent to the land which you are

comparing it with. In other words, were the property adjoining developed in the same manner as the property with which you are comparing it; in other words, we have adjacent pieces of property; one is improved by filling, bulkheading and steamship piers.

Q. Yes. A. And all of those things that go to make up an ordinary railroad development of a terminal yard. In other words, it would cost so much money to put the unimproved property in the same condition as the improved property. Now, the cost of doing that is an element of the value.

Q. Yes. A. But—

Q. Well, now, you add this— A. Now, wait a minute. That isn't necessarily the value of the improved property, because the cost of improving it may have been extravagant, or it may have been very economical. But there is an element added to the value of the unimproved property. In other words, what would be the difference in the market value of the improved and the unimproved property? Ordinarily, the ordinary purposes with the ordinary construction, the difference in value is the value of the unimproved land plus the value of the improvements, plus another value which represents carrying charges, and so forth.

Q. Well, now, this additional cost you put on the amount as indicated by the sales is the amount in your opinion that expresses a reproductive cost of placing this property in the condition that it is? A. Not necessarily; not necessarily. The ordinary reproductive cost, in other words, an ordinary improvement which would add ordinarily to the value of the property and increase the value of the property as a selling proposition.

Q. Yes. A. In other words, a piece of improved property and a piece of unimproved property is worth so much in the market, and, in my judgment, the improved property is worth at least $10,000 per acre more than the unimproved property.

Q. Yes. A. Inasmuch as any possible purchaser could not for his purpose improve the property and put it to a similar use for any less money than that.

Q. Now, do you add anything else? A. No.

Q. Well, you think a fair amount to represent that factor that we will call the second factor, that is, putting it in condition, improving it, is about $10,000 an acre? A. About $10,000 an acre on this class of property; in other words, on property such as the West Shore yard. That value changes in different locations.

Q. Now, what is the hypothetical value per acre which you can point to as evidenced by an actual sale of this kind of property at any time, at any place, on the water front, water front of Hudson County in Jersey City and north? A. The only property—I don't know of any in Hudson County where there has been an improvement made and a resale of the improved property.

Q. I am not asking you that. I say take the highest sale per acre in Hudson County? A. Of unimproved, you mean?

Q. Of unimproved property, and tell us what that price is.

Mr. Bain: You mean north of the Tide Water Basin?

Mr. Wall: North of the Tide Water Basin.

A. North of the Tide Water Basin?

Q. Yes. A. The highest sale I think is the sale to the International Elevating Company, Morris and Essex Streets.

Mr. Bain: You said unimproved.

Q. I said unimproved. A. Well, that has a couple of old docks on it. That is not what I would call a fully developed piece of property. It is partially developed.

Q. I am not saying fully developed. I say unimproved. A. There is no unimproved property in the sense in which you speak anywhere in Jersey City or anywhere in Hoboken on the Hoboken water front, except possibly a small piece of the front Cove in Hoboken.

Q. Well, take north of that. A. The only unimproved and undeveloped properties north are the properties which were involved in these sales of 1920.

Q. That is the Cunard sale? A. The Cunard sale, the sales to the New York Central, and the sales to the—

Q. Well, now, what was the Cunard sale? A. The Cunard sale—

Q. How much an acre? A. Well, the original purchase was at the rate of $72,000 per acre. If you add to that the price paid the state for an extended area out, it figures down to $64,000 per acre as the cost, but that in my judgment is not the value.

Q. Well, now, I was only dealing with actual sales, on this phase of the question. A. Yes.

Q. And the brass tacks of the situation, we will call it, if you will, and that is as high as you can point to in the way of an actual sale for unimproved property north of the Tidewater Basin, is that correct? A. That sale and the sale—

Q. Oh, you can say yes or no to it; it is so much easier to read the testimony. A. Well, yes; there was another sale to the New York Central just north of that, of a thousand feet front, which was as—

Q. Was that higher? A. —the rate of $65,000 per acre.

Q. Is that the highest? A. That is the highest, I think.

Q. Well, name the highest, whatever it is. A. That is the highest, I think, of unimproved property.

Q. Yes. Now, you said in answer to question that Mr. Bain asked you, that you tried to express the value of property because of the narrowing of the market, the value due to the decreasing supply of property. Didn't you say something of that kind? A. No; I said that the result of the decreasing supply was the increasing prices obtained.

Q. Yes. A. And that that reflects a higher value, of course, for all that class of property.

Q. When you are speaking of the decreasing supply, you assume that the railroads will never sell any of this property, do you not? A. Yes.

Q. In other words, for all time, no matter what happens, port authorities, or harbor extensions, or what not, that in the end the railroads will be found holding this property and refusing to sell it? A. I think that is necessarily true.

Q. You think that is correct? A. I think—it isn't impossible, of course, but it is very—

Q. I mean that is your judgment? A. It is very

improbable that they will sell, but my judgment is that if they do sell—

Q. But that is your judgment? A. My judgment is that if they do sell, for instance, if the Lackawanna should sell, the Erie should sell, or the Pennsylvania should sell its yard, that they would make a record price of any sale around New York.

Q. I am not asking you that. We are now talking about this factor of decreasing supply and I am trying to get from you simply your honest opinion, this side or that, whether this property goes permanently out of the market when it goes to railroads, or whether there is a place at which it will likely come in? A. My judgment is that the railroad properties are permanently out of the market for any other use than railroad use.

Q. All right. Now, that is a basic factor in your judgment of values? A. No.

Q. Well, how important is it? A. No; it isn't important at all.

Q. It is not important? A. No.

Q. You can discard it altogether? A. Well, it isn't because—

Q. Well, let's have it in or have it out. Just as you say? A. Well, it is this way, it is like a—

Q. No; it is either in or out. Now, where is it?

Mr. Stout: I submit that the witness should answer the question, not counsel.

A. It doesn't make much difference.

Q. Well, then, it is negligible? A. It is negligible as to the value of the property on January 1, 1921.

Q. So it doesn't make any difference— A. It isn't negligible as to the future, if you want to speculate why—

Q. It doesn't make any difference in your valuations of this property whether the market was narrow or broad? A. Oh, yes; it does.

Q. It does? A. Yes.

Q. Well, I can't understand you, Mr. Dunham. A. Well, what I mean is that all unimproved property is out of the market.

Q. All unimproved property is out of the market? A. All unimproved property is out of the market on the Hudson River, in Hudson County; out of the market.

Q. Is that one of the bases of your judgment? A. Now, there is no more of that class of property to be acquired, see?

Q. But all improved property is in the market? A. No; may or may not be.

Q. What is in the market— A. May or may not be; it doesn't make any difference whether it is in the market or not.

Q. It doesn't? A. No.

Q. Then, it doesn't make any difference in the width or narrowness of the market whether it is in or out, does it? A. No.

Q. Then, nothing makes any difference, does it? A. Yes; it does. The difference is the value of property as of January 1, 1921. If we have a block of business houses along Broadway, or three blocks of business houses along Broadway, whether they are in the market or out of the market has absolutely nothing to do with the value of that property. It has a value as a going concern.

Q. Yes. And the diminished supply doesn't play any part whatever? A. That plays a part, surely it does; it plays a part in the value of the properties.

Q. Well, does it play any part in the value of these properties? A. Of all properties.

Q. So, then, it does make a difference whether the market is narrow or broad? A. When the market is gone, naturally, when you have got to tear down something for some other use, then necessarily you must pay more money for it.

Q. You are a believer in the idea that there has been a steady advance in this value of the property from 1917 on up, are you not? A. I don't know whether it has been steady or not, but my—all the facts which I can gather and the sales show it that there has been a large increase in the value of this class of property from 1915 up to 1921. That is what the sales show.

Q. And is that advance constant, year by year? A. Not necessarily.

Q. I don't mean exactly the sales year by year, but is there a constant advance each year, in your opinion? A. No; I don't think so.

Q. Which are the years when there has been no advance? A. That I don't know, because there are not enough sales to tell you that.

Q. Which years have advanced? A. There has been an advance. There was an advance from 1915 to 1918, and there was a further advance from 1918 to 1920—1921. That much I can gather from the sales.

Q. And you gather that only from sales, don't you? A. From the sales and—

Q. Now, what sales indicate that advance from 1920 to 1921? A. 1918 to 1921, I said.

Q. No; I was asking now from 1920 to 1921. You said you were sure of that period. A. Well, there were a great many sales that took place in 1920 and some in 1919. Now, just how much of that increase—

Q. No, no; 1920 to 1921. We will get the others later. A. I couldn't tell you.

Q. You have no basis whatever for that statement of an advance from 1920 to 1921? A. I didn't say that.

Q. I am asking you. Have you any basis— A. Only general deductions.

Q. Well, you said you went on sales, Mr. Dunham? A. I do.

Q. Now, I say what basis have you for the advance in 1920 to 1921 sales? A. Taking all sales from 1917 on.

Q. Well, then, won't you pick out the sales that you say indicate the advance in value from 1920 to 1921? A. From 1920 to 1921? The sales of 1920 would indicate the value from 1920 to 1921. In other words, from January 1, 1920, to January 1, 1921, the sales of 1920 indicate that advance, and in order to find out what that advance is, you have to go back to the sales of 1918.

Q. Are there any sales which indicate an advance in value from 1920 to 1921? A. Yes. I think the sales of 1920—

Q. January 1, in each year. A. I think the sales of 1920 indicate the advance.

Q. The prior sales indicate the subsequent advance, is that correct? A. Yes. Sales in 1916, 1917 and 1918.

Q. Now, which are the sales that you say indicate the advance in that particular period, 1920 to 1921? A. All the sales of 1921—1920.

Q. Which are they? A. Well, there is a lot of them here. Sale to the Luckenbach Terminal Corporation, sale to the Lord Construction Company, another sale to the Lord Construction Company, sale to the New York State Realty and Terminal Company, sale to the New York State Realty & Terminal Company, and sale to the Cunard Terminal Corporation. Those sales were all made in 1920.

Q. Yes. Now, with what do you compare each of those sales in order to obtain your factor of increase? A. Sale of the Woodcliff property in 1918—in 1919.

Q. Is that all? A. That in connection with other sales in other parts of the county.

Q. You arrive at that increase solely by the comparison with this Woodcliff sale? A. The Woodcliff sale in this particular neighborhood, and the sales further north, made at different periods from 1915 up to '19—and including 1920.

Q. I thought you said those 1915 sales were too remote. A. Oh, no. They are too remote as to comparison with the values of 1920, but they are not too remote to show increase in values. No sale is too remote for that, depending on the period you want to cover.

Q. Well, now, for instance, the Woodcliff sale was at $24,000 an acre, was it not? And it was in December, 1919? A. The Woodcliff sale was december 30, 1919.

Q. And at $24,000 an acre, was it not? A. Yes, but that included 24 acres of back land.

Q. Well, was it $24,000 an acre or something else? A. An average, yes.

Q. What? A. An average for 81 acres, of which 24 acres was back land. Now, I have analyzed that sale.

Q. Now, just go through your mental processes to show us how you get the increase up to the Cunard sale, we will say. A. I get—my mental processes is this: Take the Woodcliff sale. I appraised that property—

Q. No; leave that out. A. No; I won't leave it out, either. It is one of my reasons. Now, I will leave it out if the Board will instruct me to leave it out, but if you don't want my explanation of it, I won't give it.

Q. We are trying to deal with the actual sales, you know. That is the reason I asked you to leave it out. A. I am dealing with actual sales.

Q. Well, now, the Woodcliff was your yard stick for this advance. Now, I am trying to get how you reason it out. A. I am trying to tell you, but you won't let me.

Q. All right, go ahead. I didn't mean to interrupt you, if I did. A. The Woodcliff property I appraised as of 1891, and I appraised it as of 1913, and I appraised it as of 1918, and here is the way I get at it—

Q. Well, now—

Mr. Bain: That is your appraisement?

The Witness: That is my appraisement.

Q. I am not asking you that. A. And my appraisement was made for the owners of the property, and I am going to show you how I get at the value. We can't tell what the water front—

Mr. Wall: I don't think the witness is at all answering my question, may it please the Board.

The Witness: I am trying to answer it, but you don't want me to.

Mr. Wall: Just a minute. I am starting with the actual sale price, however arrived at, whether by the advantage of his appraisal or any way, $24,000 an acre is the actual sale price, December 30, 1919. Now, I am asking the witness to take that actual sale price and step out to the Cunard sale at the actual price again and explain how he gets his theory of increase. Now, the fact that he appraised this property of the Woodcliff prior to that doesn't seem to me to have anything to do with it.

The President: The question is intelligible to you, isn't it, Mr. Dunham?

The Witness: The trouble is he is trying to compare two tracts which are incomparable. In other words, he is trying to compare a tract which sold for $24,000 an acre, which contained 24 acres of back land, with a tract which was all water front, and in order to make an intelligent comparison between the two properties, you have got to first find out what the water front of the Woodcliff sold for and compare that with the water front property of the Cunard.

Mr. Stout: In other words—

The Witness: In other words, that is what I am trying to do, and that will show the increase which I say.

Mr. Stout: In other words, you are taking the sale price of the water front which is comparable with the Cunard property.

The Witness: Absolutely, and comparable with the—

Mr. Stout: But you are not attempting—
Mr. Wall: Well, now, put it this way:

Q. Now, you said that railroads paid the same prices as other buyers? A. Yes.

Q. For water front property? A. Yes.

Q. Aren't railroads notoriously poor buyers of lands, in the way of getting them at a very high price? A. Not necessarily.

Q. Now, look here.

Mr. Wall: Please don't do that, Mr Graham. I can't examine the witness if you gentlemen are going to put these slides in and make him throw anything on the screen.

The Witness: Well, it is as distracting to me as it is to you, Mr. Wall.

The President: Yes; it is hoped some of us will acquire a little better control over our facial muscles. I know it is a struggle for you; it is a struggle for myself.

Q. Don't railroads proverbially, Mr. Dunham, pay very high prices for land? A. No.

Q. They don't? A. Not necessarily. In some cases they do, but that isn't always so.

Q. Well, I mean as much as generalities are true. As a matter of fact, the facts get out as to railroad purchases, and it is easy to pick out the fact that railroads are after lands, and hasn't it always in the circles that you have moved in been considered that railroads were poor buyers of land for that reason? A. No.

Q. It hasn't? A. No; I think they are very—

Q. All right. A. —very good buyers at times, because they are getting wise and they buy under cover. That is, in most transactions they don't know that the railroad is buying.

Q. They don't? A. No. And my record of sales shows that in a great many purchases made by the railroad companies that they haven't paid any higher values than other companies, or other industries, pay for the same class of property.

Q. All right, you have answered it. Now, in making up your ideas of increase you get as high as a 50 per cent increase in a single year, don't you, in some cases? A. Well, no; I said that from 1915 to 1921, there was an increase on the Hudson River of at least 50 per cent.

Q. And you can't allocate the amount that would be in 1920 to 1921, for instance? A. Not to any particular year.

Q. Could you give it within any limits? A. No; no, because there are not enough sales.

Q. It is existent but impossible of description? A. You can't allocate it to any particular year because there are not enough sales for you to do that. There isn't a sale for every year.

Q. All right. It was there but not discoverable, is that it? A. Well, it was there—

Q. Yes, but you can't say what it is? A. Not in any particular year.

Q. Now, you don't ascribe any part of that increase to the condition of the United States shipping, or the world shipping during this period that you mention, do you? A. No.

Q. You absolutely ignore the question of whether shipping was abnormal in the sense that there were abnormal profits in shipping? A. I ignore that so far as the value of unimproved lands were concerned, because the demand during that time wasn't for unimproved lands, but for pier space.

By Mr. Stout:

Q. And not for unimproved lands? A. And not for unimproved lands.

Mr. Wall: Don't do that.

Mr. Stout: Well, don't you want to save time?

Mr. Wall: I know; it would save time if you would write his testimony out for him.

The Witness: The great demand during the war was for pier space, or for pier—berthing space and piers.

By Mr. Wall:

Q. Now, you say that the demand during the war had no effect on the purchase of unimproved property? A. None.

Q. None? A. None.

Q. And you say that in spite of the fact that these shipping firms or that most of these sales were sales which you could characterize as shipping sales? A. Yes, but they all took place, the majority of them, after the war had been over two years.

Q. And, therefore, you don't think that ever had any relation to the war? A. No.

Q. Or the conditions brought about by the war? A. The conditions brought about by the war may have had something to do with it.

Q. Do they or not? A. Not the war.

Q. Well, when I speak of the war as affecting the value of this property, I mean the conditions brought about by the war. A. The conditions brought about by the war are responsible for all of our troubles today.

Q. I don't refer to the actual engagement of troops on this property, you understand that? A. Yes. It is the after effect of the war which we are all suffering from.

Q. The sales in 1915, as compared with the values in 1921—won't you point those out that indicate the advance? A. The sales of 1915, the sale of the International Elevating Company, in Jersey City, was made July 24, 1916. Assuming that they got 4.3 acres under that sale, the price was at the rate of $70,000 per acre.

Q. Why do you assume that? A. I say assuming that.

Mr. Bain: That is the way it worked out.

Q. Is that the way it worked out on your— A. Yes; $70,000 per acre. Now, you compare that sale —for instance, the sale made to the New York State Realty & Terminal Company, way up in Guttenberg, of a piece of unimproved property, at the rate of $65,000 per acre.

Q. Do you place much reliance on this last sale that you have mentioned? A. Yes.

Q. Is that a thing that you can discard and still maintain your opinion on the same values as before? A. How do you mean "discard"?

Q. Eliminate from consideration. Suppose that sale were not considered, would your opinion be just the same as to valuation? A. Then you have got the Cunard sale—

Q. I know. I am asking you whether your opinion would be just the same? A. Yes.

Q. As to these valuations, even if you discard the New York State Realty sale. A. Well, it might and it might not be.

Q. Well, I am asking you would it? A. The sale is there, and I took it into consideration, so I can't discard something that I have already considered.

Q. You can't answer the question whether your opinion would be the same, if you eliminate it? A. I think it would have been the same in view of the Cunard sale and the Shamberg sale.

Q. Well, then, you can discard, eliminate it, and maintain your opinion just as it stood? A. But that is not the sole reliance. No one particular sale can be used as the standard, but that sale, taken in connection with other sales, can be used, and I rely mainly upon the three sales.

Q. Yes. A. The Cunard, the New York Central and the Shamberg, as indicating the value of that class of property at the time of the sale.

Mr. Stallman: You mean the increase in value in that period?

The Witness: That shows the value of that class of property and in that location. Now, when you compare the Twombley piece, for instance, at $1,500 a front foot, located on the River Road, partly in the Township of Guttenberg and partly in the Township of North Bergen, lying under the Palisades, with the piece of property purchased in Jersey City, between Morris and Essex Street, five years previous, and think, and think that the unimproved lands five or ten miles further up the river sell for $65,000 an acre, and this International property sold for $70,000 an acre in 1916, any sane man that knows anything about values at all knows that there must have been a tremendous increase.

Q. Now is that what you base it on? A. That is one. That is only one.

Q. What is the rest? A. Now, if you take the sale of property in Hoboken, the sale of the Manor to the Hudson Realty Company, or the Lackawanna Railroad, in 1916, and the sale of the Ocean Steamship Company to the Lackawanna Railroad Company in 1915, there were property located in the City of Hoboken between Tenth and Twelfth Street fronting on the Hudson River, which were partially improved but the improvements in my judgment added nothing to the value of the lands, at the rate of, we will say, $60,000 per acre, compare that sale with the sale to the Cunard, compare that sale with the sale to the New York State Realty & Terminal Company, compare that sale with the sale of the Shamberg, and any man who knows anything about values at all must reach the conclusion that there had been a tremendous increase in the value of that class of land between 1915 and 1921.

Q. Yes. A. When you will pay as much or more for a piece of unimproved land on the Hudson River in North Bergen as you would for a piece of land located in the City of Hoboken, then you know that there must have been some increase in the value of that class of property.

Q. And it doesn't shake you in the least that the Lord people went broke? A. Absolutely no.

Q. And it doesn't shake you in the least that Luckenbach had made a fortune out of shipping? A. No.

Q. And you don't think that the great fortunes that were made during the war in shipping influenced the purchase of these lands at all? A. I don't know.

Q. But you don't allow that they did or allow anything for it, do you? A. I don't know; be-

cause they were purchased since the war and after the war had been over for more than two years. They must have been purchased for some reason. Now, it isn't surprising to me—

Q. When did the economic consequences of the war stop, in your judgment, so far as these water front values are concerned? A. The economic consequences? They haven't stopped yet.

Q. Has there been a great rise in these things due to the war? A. Not necessarily.

Q. Well, has there, necessarily or not? A. Well, it may be that—

Q. No, no. Don't speculate on it. Has there? A. No; we ought not to speculate when we come to talk of the results of the war and what is going to happen and what may happen, and what has happened.

Q. I say, is it your opinion—I don't quite believe your opinion, you know, but I want to get it. A. I don't believe that the demand for water front property has stopped.

Q. That isn't what I asked you. A. In fact, I know that it hasn't stopped. I know that there is still a demand for this class of property.

Q. Now, you put the Pennsylvania at $130,000 an acre, didn't you, in some cases? A. The main terminal yard at $130,000 per acre.

Q. Now, why couldn't you just as well have put it at $150,000 an acre? A. That, I think, was too high.

Q. What factor is there that limits you in fixing your appraisal at a hundred and thirty? A. Its relationship to other values.

Q. Point out a single thing that controls you and makes you fix that at a hundred and thirty rather than two hundred and thirty. A. Why I have put the valuation on the Harsimus yard at a hundred and twenty.

Q. Well, now, what— A. In my judgment that yard as a yard there is not worth more than $10,000 per acre more than the Harsimus yard.

Q. Well, now, what limits you on the Harsimus at a hundred and twenty? A. The Harsimus yard I fix at a hundred and twenty; I fix the Erie yard at a hundred and twenty, and I fix the Lackawanna yard at $120,000 per acre. I do that when I consider its relationship to the other properties. I have valued the New York Central property at Weehawken at $75,000 per acre.

Q. And $25,000 on the slope. What is the angle of that slope? A. Oh, it is quite steep.

Q. What is the angle of it? A. Well, I don't know. I didn't measure the angle of it. It is a side hill.

Q. Is it forty-five degrees? A. Maybe higher—more than that.

Q. What? A. More than that, I think. It is the approach to the tunnel. It is kept for—

Q. What was the controlling factor that said to you you must not put more than one hundred and twenty an acre? A. Why, that was my judgment. I have got to stop somewhere. A man's judgment tells him when he arrives at a value, and when his judgment fixes a certain judgment, that is his judgment and that is all there is to it. You can't change it one way or the other. Now, I have been valuing these yards here for twenty years, and I know the history of them. I know the original values of them, and I have studied the thing and I have followed it for years, and I think that my judgment is

worth something. In other words, I am not guessing at this thing.

Q. It is an exact science, is it? A. No; it is a judgment based upon experience covering a great many years, and when you ask a man to appraise something, an expert to appraise a piece of property, he appraises it and gives you his best judgment on it. He doesn't guess at it. You don't ask him why he didn't make it a hundred thousand more or a hundred thousand less.

Q. Well, I am trying to find out what kept him from making it a hundred thousand dollars more? A. My judgment kept me from making it any different from that.

Q. Is judgment the name that you give to conscience? A. No; conscience has nothing to do with it.

Q. What? A. Conscience has nothing at all to do with it.

Mr. Stout: Oh, I object to counsel being frivolous.

Mr. Wall: Why, it is the witness who is frivolous.

Mr. Stout: Is that so?

The Witness: I honestly believe in the opinions which I have given.

Q. You said you stopped at $120,000. How did you get up there? A. How did I get to $120,000?

Q. Yes? A. I got to $120,000 by comparing these yards with other yards and with other values on the water front. I think that this property, because of its location, because of its area, is worth $120,000 per acre.

Q. Well, that is apart from sales, of course? A. In connection with the sales of comparable property.

Q. No; there have been no sales at any price like that? A. There have been no sales of this kind of property.

Q. Well, there isn't anything then which keeps you from putting $100,000 more on this thing that you can explain, except just saying your judgment, is that right? A. Oh, no. I can't go as high as that, because I have placed a value upon these yards for the past twenty years. I have tried to increase my values according to the increasing values of water front properties.

Q. We admit all that. A. There has been no sales of this particular class of property. Therefore, in order to arrive at any judgment of the value of this property, you must compare it with other property. Now, you reason by analogy. That is the only way you can reason in a piece of property of this kind which has never been sold. And analogy—

Q. Then, why do you say you rest on sales? You don't rest on sales; you rest on your judgment and let sales as a factor influence your judgment, isn't that it? A. But judgment is built up on sales. It can't be anything else. Sales of similar property, maybe in other localities, and all of these properties have a relative value.

Q. Now, you said that railroads were on exactly the same footing as other buyers. Do you mean that? A. I mean so far as their financial conditions are concerned.

Q. Now, doesn't it make any difference in your judgment that a railroad is controlled on its receipts and other buyers are not controlled,

except by the free play of economic conditions? A. Well, for instance the Public Service—

Q. No, but they are controlled, aren't they? A. The Public Service are controlled in the same way. They are in about the same condition.

Q. What I am trying to get from you, is, does it make any difference in your judgment that the returns of railroads are absolutely controlled by law, and the returns of industries are only controlled by the free play of commerce and trade? A. You mean as to the value of those terminal lands? What has that got to do with the value of those terminal lands in Jersey City?

Q. What I am directing your attention to is that you said that railroads were in the same condition as any other buyers? A. No—

Q. Now, I am calling your attention to what seems to me a difference between railroads and ordinary industries, and I am asking you whether that difference makes any difference in your judgment as to whether railroads were on the same basis as other industries in the buying of this property? A. No, it doesn't.

Q. It doesn't make any difference? A. It is all a lack of finance now when everybody—

Q. It is just the same thing for all? A. They are all—

Q. Yes. A. They are no different from the other large corporations, possibly with the exception of the Standard Oil Company; they seem to have a little money left.

A recess was here taken until 2:15 P. M.

After recess.

FREDERICK DUNHAM resumes the stand.

Re-cross examination by Mr. Bain:

Q. Mr. Dunham, in valuing these railroad terminal yards, did you use the acre as a unit of value? A. No, in some of the yards, I did.

Q. Well, in which ones did you use the acre as a unit of value? A. The acreage unit value in the New York Central yard at Weehawken, and the acreage unit value was in the Central Railroad Company, and the properties in the New York Bay.

Q. Didn't you use the acre as a unit of value in valuing the Delaware, Lackawanna & Western Railroad yard and the Erie yard, the Harsimus yard of the Pennsylvania and the main yard of the Pennsylvania? A. No, I used $2.75 square foot, and put that into an acreage value.

Q. But really you used the acre as a unit in all of them? A. No, I converted it.

Q. A foot converted into an acre in some cases? A. Yes.

Q. That is, a value per square foot— A. Yes.

Q. —multiplied by 43,560 feet to the acre, and in that way you got the acreage value? A. Yes; reduced it to the nearest thousand dollars per acre.

Q. Now, assuming that either the Delaware, Lackawanna & Western Railroad Company, the Erie Railroad Company, or the Pennsylvania Railroad Company wanted to sell five acres at the extreme rear end of the yard, of either one of those yards, and also to sell five acres along the bulkhead line; for which would

the highest price be obtained? A. I think the five acres behind the bulkhead would bring a higher price than the rear.

Q. I think you said that you were concerned with the purchase of the Cunard Company property, is that right? A. Well, I explained that—

Q. That is, you made a survey for the purpose of determining— A. I made a survey for the purpose of determining the front feet to which should be applied the $2,000 unit.

Q. That property was sold at a stated price per front foot, was it not? A. Yes, that was the consideration mentioned in the contract. How it was arrived at I don't know.

Q. Well, that was the way the price was fixed, at so much per front foot? A. Yes, that was the way it was fixed.

Q. Do you know of any other properties on the Hudson River that were sold at so much per front foot? A. I don't know. I understand that the property sold to the New York State Realty & Terminal Company was sold at the rate of $1,500 a front foot, although the deed doesn't express it that way. I don't know what the contract says.

Q. Well, doesn't the purchase price in that instance figure out exactly—to a certain precise sum per front foot? A. Yes, it figures exactly $1,500 a front foot.

Q. And the natural inference is that that was the price— A. That that was the way it was fixed, yes.

Q. The Cunard property has upon it an old canal basin, has it not? A. Yes, the old barge terminal.

Q. And you say that that property was substantially unimproved? A. Yes.

Q. That is an advantage, isn't it, Mr. Dunham, to a steamship company wanting to develop modern steamship piers? A. Being unimproved?

Q. Yes. A. Yes.

Q. The Cunard property had a great depth of water in front 35 to 40 feet at the pierhead line? A. Yes.

Q. And it has a depth of I think about 1,400 feet back of the pierhead line, isn't that right? A. About that, yes.

Q. And what is the total frontage of the lands acquired by the Cunard Company on the bulkhead line? A. 1,102 feet.

Q. Didn't they also acquire some additional property, giving a greater frontage? A. No, the 1,102 feet includes the total frontage, and the 50 feet of half the basin of the Erie.

Q. Well, that property is a particularly desirable piece of property for steamship purposes, isn't it? A. On account of its water access I should say it was a good piece of property for a freight steamship use.

Q. Not only its water access but the condition of the property and its dimensions, that is, its contour, and all of those things tend to make it particularly desirable and available. A. Oh, that, I should say was a very desirable piece of property, for a freight steamship use.

Q. Now, coming down to the property purchased by the Delaware, Lackawanna & Western Railroad Company from the Manor Real Estate Company and the Ocean Steamship Company; what is the combined frontage of those two properties on the pierhead? A. 873 feet.

Q. And the depth back of the pierhead line on the northerly side is how much?

Mr. Stallman: Pretty near 1,300 feet. Call it 1,300 feet, Mr. Dunham.

A. It is approximately 1,300 feet.

Q. And the depth of the property back of the pierhead line on the southerly side of those two tracts is what? A. What do you mean, from the pierhead line to where?

Q. From the pierhead line to the extreme rear end of the property known as the Manor tract? A. Well, the Ocean Steamship is about 1,300 feet on both sides.

Q. Yes, but the Manor tract is somewhat less? A. And the Manor tract on the southerly side, running from the pierhead line back to the shore line road is 840 feet, about.

Q. And the rear line of the so-called Manor tract is somewhat iregular? A. Yes.

Q. That is, that tract is irregular? A. Yes.

Q. Now, Mr. Dunham, those two parcels together are not quite as good a piece of steamship property as the Cunard property, are they? A. Not for freight steamship use; a better property I should think for passenger steamship use.

Q. But not as good for, we will say, general steamship purposes? A. No.

Q. And all thing considered, Mr. Dunham, commercially the Cunard property is a better property than the old Ocean Steamship property? A. No.

Q. Well, why not, Mr. Dunham? A. Why, because I think that the property of the Ocean Steamship Company and the Manor tract there combined is a better terminal for a passenger steamship use, and it is a better location for light manufacturing purposes

on account of its access; it has right behind it the City of Hoboken and it is within a very easy trucking distance of two ferries, and it is close to the trolley lines; it is easier to reach in every way, and it is much handier for help.

Q. Well, aren't the Ocean Steamship Company property and the so-called Manor property essentially shipping properties? A. No, not essentially.

Q. Well, they are located on the water front? A. Yes, they are located on the water front. They are used in connection with shipping, certainly.

Q. Yes. It isn't to be reasonably supposed that that property would be devoted to what you would call light manufacturing purposes? A. Oh, yes, it is.

Q. Why, there is no property of any kind in that vicinity devoted to light manufacturing purposes, is there? A. Oh, yes, there is, there is plenty of them on the Cove, which has a water front; the Cove is devoted to just that class of property.

Q. Well, I am speaking of property in the immediate vicinity of these two parcels. A. Well, the Cove is nearer to it than anything else. The Cove is really not as good. The access is not as good by water.

Q. What are those light manufacturing purposes in the Cove which you speak of? A. Well, they have the tea company—

Q. The what company? A. The tea company, Lipton Tea Company.

Q. Well, that is a storage company, isn't it? A. Well, roasting and canning, things of that

kind and there are three different units there devoted to different light manufacturing uses.

Q. They only use a small portion of the back land and the land on the shore front is used for shipping purposes, that is, the land on the shore front immediately in front of those manufactories that you speak of? A. They have the same railroad behind them, and they have the bulkhead in front of them, and it is a very handy shipping point, although not as accessible as these properties.

Q. Well, now, taking the Manor tract alone, do you think that commercially that is a better piece of water front property than the Cunard property? A. I think it has a little higher unit value because I think it has a more ready market. In other words, I think that you will have perhaps ten times as many customers for a tract like that as you would for the Cunard tract.

Q. Why? Because the Manor tract is smaller in size? A. It is a smaller property.

Q. That is, water front property, like— A. In other words, it isn't so hard to finance a company handled by companies with a more limited capital.

Q. That is, water front property, like most other things brings a better price at retail than it does at wholesale? A. As a general proposition. It depends altogether upon the location and the character of use. It is developing now—it has been having that tendency for some years that this class of property, these water front properties, are becoming too valuable for even manufacturing uses, unless it is a highly concentrated use, like a warehouse or light manufacturing, on an extensive scale.

Q. Would you think that the water front property is becoming too valuable for railroad use? A. That I don't know.

Q. I think you said, Mr. Dunham, that in your opinion, the so-called Manor tract would have a slightly greater unit value than the Cunard property. Could you state about how much greater the value per unit of the Manor tract would be than the Cunard property? A. Well, I have valued the Manor tract at the rate of $2 per square foot and I have—the sale of the Manor tract would average about a dollar and a half, of the Cunard tract would average about a dollar and a half per square foot, and that is about as 15 is to 20; 25 per cent.

Q. That is, the Manor tract, in your opinion, is worth about 25 per cent more than the Cunard property? A. Twenty—let's see, it is worth about 50 cents a square foot more.

Q. Now, what about the Ocean Steamship property as compared with the Cunard property; how much greater do you consider the unit value of the Ocean Steamship property than the Cunard property? A. Well, the Ocean Steamship and the Manor I value at about the same rate, $2 per square foot.

Q. Mr. Dunham, as you go north from Constable Hook along the shore of New York Bay, and as you go south from the main terminal of the Central Railroad Company along New York Bay, values decrease, do they not? A. Yes.

Q. And where is the point of low value between those two points? A. The point of low value is about in the neighborhood of the New York Bay yard.

Q. Of the Pennsylvania? A. Of the Pennsylvania Railroad.

Q. I think you said that you considered the sales in 1914 too remote to be evidence of present value? A. As evidence of values as of January 1, 1921.

Q. But you do consider, you have considered sales made in 1915? A. Only as to evidence of increase in value.

Q. Do you use sales in 1915 for any other purpose? A. No.

Q. Except to evidence increase in value? A. Evidence of increase in value. All sales made on the Hudson River in 1915 I should say were worth at least 50 per cent more in 1921.

Q. Mr. Dunham, during the war all improved water front property along the Hudson River and New York Bay was used, was it not? A. Well, from about the latter part of 1917 on. During the year 1914, 1915 and 1916, why there was a time there when it was all practically dead. I know that everything was tight.

Q. Well, there was the most intensive use for shipping and for railroad purposes of water front during the war, wasn't there? A. Yes. Due to war supplies.

Q. And did that continue after the war? A. No.

Q. When did it stop? A. Well, it stopped—it continued for a while after the war.

Q. About how long? A. About a year, I should say.

Q. That is the year after the Armistice? About until, we will say, the early fall of 1919? A. Yes, there was a considerable amount of stuff to be gotten rid of, of course, it had to be disposed of and had to

be gotten out of the way, and the yards, the railroads and other places had to be cleaned up, that was the cleaning up process.

Q. And after the early fall of 1919, the railroad business and shipping business began to fall off, didn't it? A. Yes.

Q. And the demand for lands along the water front for shipping and for railroad purposes also began to fall off? A. No.

Q. The use of ships actually fell off, didn't it? A. The use of ships fell off, yes.

Q. And the use of piers for the purpose of berthing ships fell off? A. Very largely, yes.

Q. And the use of piers for warehouses or piers fell off? A. Yes.

Q. And the use of, or at least the intensive use of railroad yards fell off? A. Yes. Everything fell off.

Q. Instead of being used actively for transportation, railroad yards were used very largely for storage of empty cars, weren't they? A. Yes, I think that is true. There was a very large number of idle cars during that period.

Mr. Bain: I think that is all.

RE-CROSS EXAMINATION by Mr. Stallman:

Q. Just one question that I wanted to ask, Mr. Dunham, if I can get straight on something. The sales that you have mentioned in the year 1920 of the property in the north end of the county, that is, the Cunard and the New York State Realty Company, and the Luckenbach, they represented the peak prices of sales, did they not? A. I think they did, up to that time.

Q. Well, there has been nothing since, has there? A. There has been no sales since then.

Q. Yes. So far as we have any sales to guide us, they are the peak prices? A. They were the high prices up to that time. Whether it is the peak or not I don't know. In order to make a peak you have got to have a recession. There is nothing to show as yet that there has been any recession.

Q. Well, I will put it this way: Those are the highest prices that have ever been obtained along the river? A. In that—yes, in that vicinity.

Q. And what, in your opinion, was the basis of the prices obtained or the reason for those prices? What was it measured by? What was the yardstick? A. Well, the yardstick was the prices which they received.

Q. Well, what fixed the price in the mind of the buyer, or the seller? A. That I don't know. One was willing to sell and the other was willing to buy. That is what fixed the price. They fixed the price between them.

Q. Yes. But ordinarily in buying and selling of lands or other commodities, we usually determine values by other sales, don't we, if there is a market? A. If it is possible to do so, yes.

Q. And don't you think that the ascertainable sales of other property along the river had something to do with fixing the values up there in Weehawken? A. Why, it had some influence upon it, but I think that the real thing that fixed the value was the lack of supply. In other words, they had narrowed themselves down to a limited market. The supply was limited. In other words, when the Cunard went out

of the market by purchase there was nothing left then but the few tracts of land north of the West Shore yard and—

Q. You think— A. The Woodcliff went out first in 1919. That took 2,165 feet of front out of the market. Then the next sale that came along was the sale to the Cunard, and that took that out of the market, and then the market narrowed down then practically to the Shamberg piece, and that went out of the market and of course anything to be acquired after that would have to be a resale of part of these same properties.

Q. There is no other property for sale now along the river? A. I don't know of any property on the Hudson River in Hudson County for sale.

Q. And if these parties, the present owners, continue to hold these properties for the next ten years without any further sales or resales, is it your opinion that the values will remain the same or that they will increase or decrease? A. That depends upon the general condition of the port and the development of similar properties in other localities.

Q. And by other localities, you mean what? A. The port as a whole. The Bay properties. The properties on the Kill van Kull. The properties in Newark Bay. These properties all have relative values—

Q. You mean that if properties should sell on Staten Island or in the Kill van Kull, or on the Newark Bay for higher prices than have been obtained in the past that that would of itself increase the value of the properties along the Hudson River? A. I say that if there is a series of sales—

Q. Well, now, tell me whether I am right or not? A. I am trying to tell you what I mean.

Q. Well, is that wrong or is it right, just as I have stated it? A. The inference to be drawn from that would be that there had been a general increase in that class of property in the harbor.

Q. And having that thought in your mind, is that what you applied in arriving at these valuations that you have given? A. I arrive at these valuations primarily by the sales which have taken place. As to what I will do in the future, the future will tell. That will have to regulate itself.

Q. No, what I am asking you, Mr. Dunham, is do you say that after all of these properties go out of the market, and there are no sales, their valuation, for taxing purposes we will assume, will increase or decrease, depending upon what is sold in some other part of the Port of New York and the prices that are obtained for it? A. It is largely influenced by that.

Q. Yes. A. Property never stands still. Not going property.

Q. I am correct, am I, in the understanding that there have been no sales of water front property in the last five years south of the Cunard property? A. No sales? The properties—the sales in Hoboken to the Hudson Realty Company, of course.

Q. I said in the last five years, Mr. Dunham. A. Well, that is—those sales were in 1915 and 1916, and you mean five years previous to January 1, 1921, or five years from today?

Q. Five years back from today? A. In the last—

Q. Well, put it this way: Excepting the Cunard sale— A. There has been no properties sold in Hoboken south of the Cunard sale, if that is what you want to know.

Q. No. Before the Cunard property was sold, the last sale at Jersey City or Hoboken, was the Manor tract, wasn't it? A. No, it was the sale of the American Warehouse and Trading Company to the U. S. A., and the North German Lloyd and Hamburg-American piers.

Q. Oh, yes. I think I asked you this before: Mr. Bain probably didn't get it clear. Assuming now that all of the water front property in Jersey City and Hoboken and Weehawken and these Hudson County towns has gone out of the market, now, if there should be sales in Bergen County on the Hudson River, at higher prices than have been obtained heretofore for that property, it is your theory, is it not, that that would indicate an increase in the value of the Hudson County property? A. Yes, because the natural result of the taking out of the market of all of these properties is going to result in an increased value to the properties in Bergen County.

Q. And after it has that result on the Bergen County property it then has a reflex result in increasing the property in Hudson County? A. Yes, all of those things have their influence upon the market value of properties.

Q. Then the increase in the value of Hudson County property would then indicate an increase in the value of the Bergen County property? A. Yes.

Q. And the increase in the Bergen County property would then have a further reflex influence in increasing the value of the Hudson County property?

A. Well, it would depend upon how you analyze them. For instance, if we found between the year 1915 and the year 1920 that there had been, we will say an average increase of 50 per cent in the valuation of Hudson County property, and we will say that between the same years in the Bergen County front we would find that there had been an average increase in those years of 50 per cent in the valuation for that class of property in Bergen County, now—

Q. Now, just remember, Mr. Dunham, that we started with the assumption that the Hudson County property is out of the market. A. That is all right but you can't start those things at any given point and then go on. You have got to take into consideration the history of the whole thing. You can't take any one particular thing by itself.

Q. I am only trying to get your idea. I don't want to argue with you over the correctness of your assumptions. I want to find out what they are. A. My idea is this, if you want to know it—

Q. Wait a minute. Pardon me. I want to see if you understand me first. A. I understand you perfectly.

Q. That the Hudson County property being out of the market, you say that the natural effect of that is to increase the value of the property above in Bergen County? A. Yes.

Q. Then I understand you to say that the increased value of this Bergen County property would indicate an increase in the value of the Hudson County property? A. It might and it might not, but naturally as a general proposition it would; but what I mean

by that is this, that if I find in Bergen County an inferior piece of property selling for we will say $65,000 an acre, five years from now, a property that is apparently inferior in every respect to the property purchased at $65,000 by the New York Central Railroad Company at Guttenberg, I have got to come to the conclusion then that if five years later vastly inferior property sells at the same price which property in Guttenberg sold for five years previous, that the value of the Guttenberg property has increased. In other words, where you find a man paying a higher price for an inferior article, you know that the value of the original article must have increased. You have got to reason by analogy, and you have got to take into consideration all of the facts. It might be that Bergen County alone might not show that, but you take Bergen County in conjunction with the properties down on the New York Bay, or properties on the Kill van Kull—suppose the next five years shows another 100 per cent in that class of property; you have got to draw the inference that that is reflected upon the entire water front, not only the water front of Hudson County, but on the entire harbor.

Q. Do you concede, Mr. Dunham, that there is any limit to the value of these water fronts in Hudson County? A. Any limit?

Q. Yes. A. Well, there may be a limit. I don't know what that limit is. Time alone will tell that. There was a time when I couldn't see a limit to properties in certain sections of the city. We used to think a dollar a foot was a high price and they are getting $20 a foot for it now. Nobody could foresee that. And if you asked me ten years ago what the limit of the value of certain property was I might

have said $2 a square foot. I never could have imagined $20, but it is there.

Q. Not along the Hudson River? A. No, but the same thing is liable to happen on the river.

Q. As the river is developed, the water front is developed along the Jersey shore for steamship and kindred purposes, it would tend to bring all these properties nearer to a uniform value, would it not? A. Yes, I think that is very true, provided—

Q. You recognize the fact— A. —provided—that is, to this extent—provided you give all the properties the same facilities of access, give them all the same ferry facilities, and give them all the same facilities for reaching them by public streets and by trolleys. In other words, I think that the construction of the vehicular tunnel is going to have a very marked effect upon the value of this class of property, particularly in Jersey City, and I think that the vehicular tunnel is going to benefit the property at Jersey City more than it will anywhere else. That will be the first benefit.

Q. How do you in your own mind, Mr. Dunham, reconcile any similarity of values between such a property as the Cunard property, which is practically all under water, without a great deal of immediately connected back land, with properties which have some water frontage and a great deal of back land? A. How do I—why, you have got to take the properties as you find them. I presume when people buy properties and develop them, they develop those properties for their particular use.

Q. Now, I am not asking you that. I asked you how you— A. I am getting to the point, if you want

to know. I am telling you how I reconcile it. Now, you might ask me how I would reconcile a piece of property which has a 600 foot pier on it and 600 feet behind the pier with another piece of property which has a thousand foot pier on it, with 400 feet behind the pier. Now, I say that those properties were purchased by a particular interest and they were developed for their purpose. Now, you say how are you going to reconcile the two, because they are not exactly similar? Well, now, it can be done. A man develops his property for his particular use.

Q. You have to have different factors, though, don't you? A. The railroad company develops their property for their particular use. Now, I say for the use to which it is put it has a certain value.

Q. Well, let me put it this way— A. And if you choose to use it some different way—

Q. Is a property like the Cunard property, with a great deal of area under water— A. Well, that is all water—

Q. Just a minute until I finish—a yardstick for the Lackawanna and Erie properties, a large part of which consists of filled land? A. Why, no. But you have filled it all in now, you could have left it under water, if you had wanted to; if you wanted to develop it by leaving immense deep piers in it and filling in a part of it and leaving it that way, that was your business, but you can't—

Q. I understand, but I am asking you whether you could ascertain the value of a property largely covered by water—is that a yardstick for lands that are filled and used as solid

ground? A. Why, yes, of course it is. The engineering problem which develops in the improvement of any particular property—now a man or an industry—

Q. You needn't argue it with me. A. I will answer you. I want to tell you how you reason—

Q. Well, I didn't ask you for your reason. A. Then you don't want to know.

Q. Well, this is cross-examination. I want a yes or no answer.

Mr. Stout: No, no; you can't have just what you want. I think the witness ought to be permitted to answer the question.

Mr. Stallman: Now, if I ask a witness whether he agrees with a certain thing and he says no, I am perfectly satisfied with it.

The President: I think he ought to be given considerable latitude in the matter of qualification and explanation.

Mr. Stout: Yes. As has been so often said by the other side, it isn't an exact science; everything has got to be explained. Were you through with your answer?

The Witness: No.

Mr. Stout: Well, continue.

Mr. Stallman: Well, let me—

The Witness: What was the question?

Q. Supposing that in the development of their business, the railroad companies should establish all necessary yards on the meadows and be able to get along with a main stem and a few float bridges or something of that kind so that they could give up their terminal properties on the river, and take the tracks off; would

that property, without any railroad tracks on it, have any different value than that you have given us here? A. Without the track on it?

Q. Yes. A. But with the railroad facilities there to supply the property with the necessary railroad facilities in order to do business? In other words, if you took the railroad tracks off of that property and constructed behind it warehouses and on the front of it steamship piers, but supplied them with the necessary rail facilities in order to do business, would it have an equal value as a railroad yard?

Q. I am assuming now that it would not have railroad facilities. A. Well, then, you are assuming something that isn't so and can't—

Mr. Stout: You want to destroy the value and put a value on it.

A. I can't value property that way, not when you take away from it something that it has.

Q. Well, now, just visualize this, that if the Lackawanna Railroad, for instance, would run all of their freight trains down to a main track to a pier, having all of the cars classified out on the meadows, and simply bring them down to float bridges so that they wouldn't have to have this large yard of some 2,000 feet front on the river, and wanted to sell that land without involving any railroad use by the railroad company, or without being obligated to furnish side track facilities. A. Well, you are obligated to do that, so what is the use of talking about it. The Interstate Commerce Commission obligates you to do that.

Q. Now, you can't answer that question at all? A. Yes, I can; I can answer the question. But in my

judgment if you should give up a part of your yard and devote it to a more intensive use for steamship and warehouse and other purposes with the necessary railroad facilites I think it would be worth more money.

Q. And without the railroad use it would be worth less? A. What did you say?

Q. And without such railroad connection it would be worth less money? A. It would be worth less money without railroad connection, yes; for such an extensive piece of property it might be possible to use a part of it for a steamship use, for a passenger steamship use, without rail connection, such as they do in New York on the Chelsea piers. They have railroad connections but they don't use them.

Q. Well, what I am trying to get at, Mr. Dunham, if I can make myself clear, is whether or not if any part of this railroad property was relieved of its railroad use, either for a common carrier or for industrial purposes requiring a railroad use, whether or not you would put the same value that you are now putting on it? A. I think I would put a higher value on it.

Q. Then, you don't consider that the fact that the property is used for railroad purposes makes it more valuable than if it was used for some purpose not connected with the railroad? A. Now, you are only speaking as to a portion of the property. If you apportion—if you cut off any part of that property from the present terminal and devote it to some other use, the part which you cut off, having all of the rail facilities, if it would comprise the water front property I would have to appraise it at a higher value than

the general average value of the yard. Now, it might depreciate—

Q. Now, I understand— A. It might depreciate the rest of the yard as a railroad yard; that is if it lessened the efficiency of the yard and destroyed part of its use as a railroad yard.

Q. And is that the reason that you would put a higher value on the portion taken away? A. That is one reason, and another reason is that where I take and cut out of any large tract of property any choice part of the property, why necessarily I would have to put upon that part of the property a higher value than the average value of the total property.

Q. Then that is just the converse of what we were discussing this morning. If you take a part of the railroad yard and divorce that part, you would say that that divorced part would have a higher value than it would in the railroad use? A. I said a part of that. depending upon the location of the yard. That I don't think would be true in the case of some yards. For instance, the New York Bay, or the Pennsylvania Railroad, or some parts of the Central Railroad yard. It hasn't the location which the Lackawanna, Erie and Pennsylvania yards have.

Q. Then, taking a piece of property which is not now a part of a railroad yard, used we will say for residential purposes, the railroad comes along and buys it; it is really worth less in the railroad ownership than it was in that private ownership? A. If it is added to the railroad holdings it may be worth less or it may be worth more; it goes into a different class of property and assumes a different value.

Q. It is worth more or less than its value in private ownership, depending upon what particular elements? A. Why, it depends upon—for instance, your Lackawanna yard here containing a large frontage on the Hudson River and a large area, now if you add to that yard several blocks of land, it might cost you $4 a square foot to add to the yard; that $4 a square foot then becomes a part of the yard and the value is absorbed in the yard.

Q. Well, is it worth more or less than $4 a square foot when it gets in the yard? A. I think when it gets in the yard it is worth what the general average value of the yard is worth. It may not be worth the $4 a square foot.

Q. Then, if the parcel that is added is bought for a dollar a square foot, it also, I assume is absorbed in the general value of the yard? A. Yes.

Q. And if that addition to the yard would continue, lot by lot, or acre by acre, until you had accumulated 50 acres, would the same thing hold true all the way through? A. Your yard, where you make a very large extension to your yard you increase the facilities of the yard and you have decreased the general average value of the yard because of that fact.

Q. That would tend then, to keep on increasing the value of the property? A. It would be very apt to do that; it might or it might not. You can't tell. It would depend altogether upon the conditions. Now—

Q. Therefore, if— A. Wait a minute, now.

Mr. Stout: Just a minute.

A. There are two or three elements which enter into that.

Q. I didn't ask you for your explanation. I just want your statement. A. I want to explain. A bald statement doesn't explain things.

Q. You see I am asking you, Mr. Dunham, and if I am satisfied I think everybody else ought to be satisfied.

Mr. Stout: I don't think so.

A. You may be satisfied with a partial answer; I am not.

Mr. Stout: I say when counsel is trying to ask catch questions, that the witness—

Mr. Stallman: These are not catch questions.

Mr. Stout: You can't cut him off when you think that you have got all you want.

Mr. Stallman: I only want his conclusions. If he was a physician and I was asking him whether or not a certain situation would bring about a certain result, he would say yes or no. I didn't ask him about the history or pathology of the case.

Mr. Stout: He isn't a physician.

Q. Now, Mr. Dunham—

Mr. Stout: Just a moment.

The President: I think, gentlemen, we are very prodigal in the matter of time, and I can't see the purpose of this cross-examination.

Mr. Margerum: We have had it all so often.

Q. Mr. Dunham—

Mr. Stout: Just a minute. May it please the Board, I insist that Mr. Dunham has the right

to answer his question or the question that has been propounded.

The President: We must not lose sight of this fact, that we are sitting here as a board of inquiry. Now the answer of Mr. Dunham may not be wholly responsive to the question and at the same time it may be thoroughly illuminating to the Board. I don't think that we are held down to any set precept or rule.

Mr. Stallman: Yes, but I submit to the Board that a plain question calling for Mr. Dunham's conclusion, yes or no, can be answered in that way without a great long explanation of how he arrives at that conclusion.

Mr. Stout: You can ask a hypothetical question without the witness being permitted to explain his answer.

Mr. Stallman: Well, I only have one more question and this is what I was leading to.

Mr. Stout: All right.

Q. If accretions to a railroad yard, involving the purchase of lot after lot or block after block, at a cost of a dollar or a dollar and a half a square foot on the average were added to the Lackawanna yard, you would not value the Lackawanna yard by the cost of those additions, would you? A. No.

Q. That is, what I mean is you wouldn't value that part of the yard by the cost of those additions? A. No.

Mr. Stallman: That is all.

The President: That is all.

Mr. Stout: Just a minute.

RE-DIRECT EXAMINATION by Mr. Stout:

Q. In other words, Mr. Dunham, you don't value land owned by railroads and devoted to railroad uses by valuing lot values? A. No, I do not.

Q. And the sale of back land of one to another to be used for some purpose disconnected from a railroad use reflects no value upon the adjacent railroad lands? A. No.

Q. And if a piece of back land is sold to the railroads, that land, when it comes into railroad ownership is then devoted to a different use or may be devoted to a different use, and therefore has a different value? A. Yes.

Q. And that value depends upon the value of the yard which absorbs it?

Mr. Stallman: May I ask the Board if Mr. Stout has been sworn?

The President: My recollection is that he hasn't.

A. It does.

The President: Is that all, Mr. Stout? Next.

Mr. Stout: No, that isn't all with him. I have a few more questions.

Q. And if a railroad continued to acquire back land going, as Mr. Stallman would lead you, into 50 or 60 acres, that might decrease the value of the railroad yard, depending upon whether it was advantageous for the railroad to have it or not?

Mr. Stallman: Objected to. Now, I don't think Mr. Stout ought to put those statements

on the record. He is merely guessing those are Mr. Dunham's conclusions, which he hasn't any right to do.

Mr. Stout: You wanted to lead him there and I have a right to clear it up.

Mr. Stallman: You have been practicing law long enough to know the difference between direct and cross-examination.

Mr. Stout: Well, I thought I did until I got into this case. I say it is a proper question based upon the cross-examination of Mr. Stallman.

The President: And you press the objection?

Mr. Stallman: I do. I don't think Mr. Stout ought to tell Mr. Dunham what to say.

The President: Overruled.

A. Any large accretion to any of these yards changes the average valuation of the yard.

Q. Mr. Dunham, is it a fact that the railroads own a lot of property that is not devoted to any use? A. Yes.

Q. And so the profitable use of railroad property is not the criterion of value, is it? A. No.

Q. And are you, or rather in your opinion can you make comparisons of value between properties that have different frontage and different area? A. Yes.

Q. In other words, because a piece of property is dissimilar to another as to size and frontage doesn't prevent you from making comparison of values? A. No.

Mr. Stallman: Not at all.

Mr. Stout: Well, I like this tune better than the one you sang.

Q. And, Mr. Dunham, if all the Hudson shore front property, or Hudson River, rather, shore front property in Hudson County, is taken out of the market, and that in your opinion will increase the value of the properties in Bergen County to the north, the increase in the Bergen property or the Bergen County property wouldn't again be reflected back into Hudson County, would it?

Mr. Bain: Objected to on the ground that the question has already been answered. On cross-examination of Mr. Stallman the witness said that it would.

Q. Answer the question, please.

Mr. Bain: You say answer the question. I would like my objection ruled upon.

Mr. Stout: I say the question has not been answered.

The President: Well, my recollection is that there was something on that, Mr. Stout. I don't know that it was the exact question.

Mr. Stout: No.

The President: I will allow that.

A. The particular increase which was due primarily to the fact of the other property being taken up might not be reflected immediately back but any continued increase—

Q. Would be reflected? A. —would be reflected.

Q. Yes. And the valuations which you have testified to as to these shore front properties, in the final

analysis are based upon the hypothetical sale of a willing seller not required to sell, and a willing buyer not required to buy? A. Yes.

Mr. Stout: That is all.

The President: Next witness.

CHARLES SINGER, sworn for the State.

Direct-examination by Mr. Stout:

Q. Mr. Singer, where do you reside? A. Town of Union, Hudson County, New Jersey.

Q. How long have you resided in that section of Hudson County? A. Fifty-four years.

Mr. Stallman: How old did you say you were?

The Witness: I didn't say how old, but I was born there. I will answer the question.

Q. What is your calling or profession? A. Real estate.

Q. A real estate expert? A. Yes.

Q. How many years have you devoted to the study of shore front property?

Mr. Bain: Objected to on the ground that he hasn't said he devoted any time to the study of shore front property.

Mr. Stout: Just a minute. Wait until I finish the question.

Mr. Bain: Go ahead. I thought you had finished.

Mr. Stout: No, no. Will you start the question, please?

Q. (Question read.) A. Twelve years.

Q. Just a minute. In Hudson County, if any.

Mr. Bain: I object to that on the ground that it doesn't appear that the witness has devoted any time and attention to the study of shore front property in Hudson County.

Q. Well, have you devoted any time to the study of shore front property in Hudson County? A. I have.

Q. How many years? A. I should say twelve.

Q. Do you occupy any position in Union County? I mean in the Town of Union? A. I do.

Q. What is that position? A. I am chairman of the Board of Assessors.

Q. How long have you been an assessor in that locality? A. Fourteen years.

Q. Have you made an appraisement of shore front properties in Hudson County located along the Hudson River? A. I have.

Q. And what properties have you appraised and when did you make the appraisement? I mean by that prior to your making your appraisement for this review? A. I appraised the Conway property. This was in Bergen County. This is the property of the Union Dry Dock Company.

Q. When did you appraise that? A. A little bit north of the 130th Street ferry. Twelve years ago.

Q. And for whom did you appraise it? A. I appraised it for Mr. Gannon, who is the Finance Commissioner here in Jersey City, and John Milton, for the owner.

Q. What other properties have you appraised, shore front property? A. Right in close proximity to this

property I went over the Public Service property, 130th Street ferry, with Mr. Ryer, seven years ago, I think it was.

Mr. Bain: Also in Bergen County?
The Witness: Yes.

Q. What other property? A. I appraised a tract of land, I guess it must be fifteen years ago, on this tract for Dr. Ayres, two blocks south of the 130th Street ferry; but that wasn't water front property, but on the river road.

Q. Continue. A. I have appraised the McKenna property, at 130th Street ferry south, immediately adjoining the ferry there.

Mr. Bain: How long ago was that?

Q. When was that appraisement made? A. Oh, a year ago.

Q. Continue, down to the river. A. I appraised the Shamberg property.

Q. The Shamberg property here under consideration? A. Yes.

Q. I mean that has been referred to here among the sales? A. Yes.

Mr. Bain: How long ago was that?

The Witness: My recollection is that the—I have appraised it twice but my first appraisal was about eight years ago in connection with the Woodcliff property for the Township of North Bergen.

Q. And when was your second appraisal made of it? A. My second appraisal was made about seven or eight months ago.

Q. And for whom did you make that? A. Made it for Gaede and Gaede, representing the Luckenbach people.

Q. The purchasers? A. Yes.

Q. What other appraisals? A. I appraised the Twombley property. That is both in Guttenberg and North Bergen.

Q. Referred to here among the sales? A. Yes.

Q. When did you make that appraisal? A. I guess it was seven years ago. Mr. Bain was in that case. He knows about it.

Mr. Bain: That was a tax appeal?

The Witness: Yes.

A. (Continuing.) I appraised the American Cotton Oil, at Guttenberg, at that same time. Both those properties were under consideration before the State Board.

Q. Any other appraisals? A. I appraised the Ellis property immediately to the west of the Twombley. That is not water front but on that River road with the railroad—the river road right in front of the—maybe a hundred feet from the west of the Twombley. Do you want to confine me right to water front property?

Q. I do. That is what we are interested in for the present. A. I appraised the property of the New York State Realty Company, at Weehawken. That is the piece of property south of the Clifton road to the tract purchased by the Cunard, some 2,500 foot on the river. I appraised that six or seven years ago. Mr. Wall was in that.

Mr. Wall: Which one was that?

The Witness: The New York State Realty there at Clifton road.

A. (Continuing.) I appraised the Cunard property.

Q. For whom did you appraise the Cunard property? A. Township of Weehawken.

Q. How long before the sale? A. Well, this was after the sale.

Q. After the sale? A. Yes. I want to say that this New York State Realty Company I also appraised after the sale—not after the sale, I mean after the sale of the Cunard, last year.

Mr. Bain: That was for a tax purpose?

The Witness: For the municipality, yes.

A. (Continuing.) I appraised the Henry property. Now, this isn't water front property but it is that property purchased by the Cunard immediately back of the Cunard line. I don't know whether you want it or not.

Q. Yes. When did you make that appraisal? A. About a year and a half ago.

Q. Continue. A. About three months ago I made an appraisal of a large lot of property in Hoboken which I had to look over on account of the sewer assessment down in there, and in conjunction with that I had to look over the Hoboken Land & Improvement Company property on the shore there, those large buildings.

Mr. Bain: What did you look over it for? Just gaze at it?

The Witness: What is that?

Mr. Bain: Just gaze at it, you mean?

The Witness: No, I didn't gaze at it. They wouldn't give me any money for gazing at it.

Mr. Bain: What did you look over it for?

The Witness: I said the objectors were appealing from the assessment, the proposed assessment for sewer improvements, and that property was included.

Mr. Bain: That was to determine whether or not the property was benefited by the sewer?

The Witness: Well, I had to consider the whole proposition while I was about it.

Mr. Stallman: What property was it, Mr. Singer?

The Witness: I tell you these big terminal buildings down there.

Q. Was that shore front property? A. Yes. In that same case there, there was property of the Hoboken Manufacturers Railroad Company. Do you want me to go on?

Q. Yes, go ahead, I want you to give me all the appraisements that you have made and when you made them and where the property is located. A. I appraised a piece of property of the Central Railroad about four months ago down at Bayonne around 30th Street.

Q. For whom did you appraise that? A. Bayonne.

Q. City of Bayonne? A. Yes.

Q. Shore front property? A. Yes. I appraised that part of Shooters Island that is in Bayonne, the Standard Shipyard, in a matter of a tax hearing before this Board, I guess some three months ago, four months ago.

Q. Were you accepted as a witness in that case? A. I was. I appraised a piece of property for the Ft. Montgomery Iron Works Company, at Secaucus, on the Hackensack River. That was about a year and a

half ago. I appraised a piece of property called the Kieswetter property at the bridge, Paterson plank road, Secaucus. There was a matter of dispute between the Ringling Brewery Company, the mortgagee, with the owners, and the Merchants & Manufacturers Trust Company, who had a judgment, and they placed the property in my hands for sale, and accepted my values as a matter to adjust their differences. I appraised a piece of property at 35 Commercial Street, Newark, Passaic River, about a year ago for the mortgage purchasers. That is all around here.

Q. Any others? A. Not around here.

Q. And when you were appraising these properties, were you trying to arrive at the true or market value of them? A. I was.

Q. Have you appraised properties for the municipalities of West New York and Weehawken? A. I have appraised property for the Township of Guttenberg, the Town of West New York, the Township of Weehawken, and of course Union Hill, where I assess, for Fairview, the Borough of Fairview, for the City of Hoboken: and in this case I did some work.

Q. Are you familiar with the sales of shore front property running from the north line of Hudson County to the southern line? A. Yes.

Q. You are familiar with all those sales, are you? A. Every one I could find.

Q. And going back how many years? A. Well, largely between 1915.

Q. And when? A. To date.

Q. You have analyzed those sales? A. Yes.

Q. Are you familiar with the location, surroundings and physical characteristics of the properties of

the respective railroads here under review? A. I am.

Q. Have you made an appraisement of these properties of the respective railroads here under review for the purpose of testifying as to their market value as of January 1, 1921? A. I have.

Mr. Stout: Take the witness, on qualifications.

CROSS-EXAMINATION by Mr. Bain:

Q. You are in the real estate business, are you? A. I am.

Q. Where is your office? A. Town of Union.

Q. Always been there? A. We have been there, and my successors, for fifty years.

Q. You and your successors? A. I mean my predecessors.

Q. Well, just how long have you been actively engaged in the business? A. Twenty-four years.

Q. Twenty-four years? A. Yes.

Q. Where is your office located? What streets? A. Bergenline Avenue and Lewis Street.

Q. And you have been chiefly engaged in buying and selling and renting residential and store properties, haven't you? A. Well, even further than that.

Q. Well, what further? A. We developed.

Q. That is, putting up houses— A. Built, yes; developed land into lots.

Q. And that has been substantially your entire business? A. No, I make a business of appraisal, too.

Q. Well, your business of appraisal began when you became an assessor for the Township of Union, didn't it? A. No.

Q. Well, what did you do before that in the way of appraisal? A. Oh, I have been doing appraisal work for twenty years.

Q. Well, appraisals of residential property and store property? A. Manufacturing property; all kinds of property.

Q. Well, not shore front? A. No; until about twelve years ago.

Q. And you began to appraise shore front property when you became assessor for the Township of Union? A. No.

Q. Well, when did you first begin to appraise shore front property? A. As I say, the first piece of property that you might call shore front was—

Q. Not what I might call shore front. I am speaking now—when I say shore front I mean water front property on the Hudson River or New York Bay. A. Twelve years ago.

Q. And for what purpose did you then appraise that shore front property? A. That was for the owners and the different heirs.

Q. Oh, that was this property up in Bergen County? A. Yes.

Q. The so-called Conroy property? A. Conway.

Q. Conway property? A. Yes.

Q. How far north of the Hudson County line was that property? A. I can better describe it by saying it was about six or seven hundred feet north of the 130th Street ferry. It is where the Union Dry Dock is now.

Q. How long ago did you become assessor for the Township of Union? A. Fourteen years ago.

Q. Fourteen years ago? A. Yes.

Q. Did you appraise any water front property as assessor of the Township of Union? A. Nothing.

Q. There is no water front property in that Township, is there? A. None whatever. Beer was our speciality then.

Q. When did you first begin to appraise water front property as an assessor? A. Not as assessor, but as appraiser. I never acted as assessor in any other municipality but the Town of Union, and we have no water front property.

Q. But you made appraisals for some local assessors, didn't you? A. For the municipalities, yes.

Q. Well, that is for the assessing boards or the assessor of the municipality? A. To sustain him, yes.

Q. Well, did you make your appraisals before the assessments were made, or afterwards? A. After they were made.

Q. And the appraisals you made were for the purpose of sustaining the assessments in tax litigation? A. Yes.

Q. And that began about twelve years ago? A. No, I think that was—I have an idea it was eleven—ten years ago. I had a case with Mr. Wall.

Q. Well, we will say ten years ago. About ten years ago, then, you began to appraise property for municipalities for the purpose of sustaining municipal assessments? A. Yes.

Q. Tax assessments. Now, I think you said that you made a study of the value of water front property, and I believe you also said that you are familiar with all sales of water front property. You got most of your information as to sales from Mr. Dunham, didn't you? A. No.

Q. Where did you get it? A. Well, I think you will recall what case it was; I brought out the Woodcliff sale. That was the first sale brought out.

(Discussion as to adjournment and subsequent hearings.)

Q. Now, Mr. Singer, as to this study that you say you made, of what did your study consist? A. Well, I appraised property as an appraiser would. I took in all the elements of value.

Q. That is, you made your study in the course of making your appraisals? A. Yes.

Q. And what your study consisted of was going down and examining the property you were called upon to appraise, is that right? A. Well, I would have to consider other property to do that.

Q. Yes. Well, now, in making your appraisals you considered the property in the immediate vicinity, didn't you? A. No, I considered whatever information I could get that would throw light on it.

Q. Yes, but what information did you go out and get? A. Took records as we could find them.

Q. Well, what records did you go out and find? A. Hudson County records.

Q. Did you yourself examine the records? A. No.

Q. Then what do you mean by going out and finding records? A. I had a man do that for me.

Q. And what records did he find? A. Well, such sales as we found at that time.

Q. That was six, seven, eight, nine, ten, twelve years ago? A. I am frank to tell you that nine and ten years ago, and eight years ago, seven years ago, there were no sales in that immediate vicinity to go by. The sales started in 1918.

Q. And that is what you were concerned with, the value of land in that particular vicinity? A. Yes.

Q. And that is the vicinity of Weehawken? A. Yes.

Mr. Bain: That is all. I will reserve my objection to Mr. Singer as an expert until Mr. Wall and Mr. Stallman are through.

By Mr. Stallman:

Q. Mr. Singer, I understood you to say that you looked over a terminal warehouse building in Jersey City—in Hoboken? A. No. Oh, yes, the one in Hoboken.

Q. Yes. Did you make an official appraisal and determination and report of the value of that property? A. Not to the people that employed me at that time because it wasn't necessary.

Q. Yes. That wasn't a regular appraisal as appraisals go. A. No; nothing more than a careful observation, and keeping in mind what benefits—

Q. Yes. Have you ever outside of the work that you were employed to do on this case made any appraisals of any large tracts of land in Hoboken and Jersey City? A. No.

Q. Or have you bought or sold any large parcels of land in Hoboken and Jersey City? A. No.

Mr. Stallman: Is the witness offered to testify with respect to all the railroad properties?

Mr. Stout: Shore front property, yes; all of them.

Mr. Stallman: Any questions, Mr. Wall?

By Mr. Wall:

Q. When did you appraise this property which is now referred to as the Cunard piece? A. When did I appraise the piece that you say is the Cunard piece?

Q. Yes. That is called the Cunard piece. A. A year and a half ago, is my recollection.

Q. What did you appraise it at per acre? A. I—let me see, no, I am wrong about that; it was immediately after the sale. It was in nineteen—it is a year ago; that is when it was.

Q. Oh. When did you appraise the Shamberg piece? A. The Shamberg piece I appraised some seven or eight years ago, for the Township of North Bergen.

Q. And what did you put on that per acre? A. Well, my opinion of the property at that time was, as I recall it, about $28,000 per acre.

Q. Sure about that? A. That is my recollection of it.

Q. Is that what you appraised it? A. That is my recollection of it.

Q. And you reported that to the owners? A. I beg your pardon?

Q. You reported that to the owners? A. No, that was for the township. I did appraise it about four months ago for Gaede and Gaede, the representatives of the Luckenbach Steamship Company.

Mr. Wall: That is all.

Mr. Bain: I object—

Mr. Stout: Just a minute.

Mr. Bain: Pardon me. I thought you were through on qualifications.

RE-DIRECT EXAMINATION by Mr. Stout:

Q. You have analyzed the sales that were offered in evidence by the railroad companies, known I think as Exhibit P24?

Mr. Bain: The question is objected to on the ground that it is leading.

Mr. Stout: Well, you can lead him a little?

Mr. Bain: Well, but that is putting a string around his neck and pulling him.

Mr. Stout: Well, has he analyzed the sales?

Q. What is your answer? A. Yes; if that is that sheet that I worked with, yes.

Q. And you have made a comparison of the properties along the Hudson River shore front? A. I have.

Q. And along New York Bay? A. I have.

Q. And you have appraised properties in Bayonne? A. I have.

Q. And in making your study of sales, of these sales, and your comparisons of the respective prop-

erties, just what did you do; in other words, what were your mental processes? A. Well, I took each parcel and took its frontage into consideration, its depth, its improvements, its location, its accessibility, and placed a value accordingly.

Q. And how did you analyze sales? A. Why, after I had taken those sales—

Q. How did you analyze a particular sale? How did you analyze sales? That is what I want to know. A. Want me to give you an instance of how I did one?

Q. Well, generally, how did you analyze sales? What do you consider in your analysis of any sale? A. In an analysis of a sale the first thing I have got to consider is what property in the immediate neighborhood sold for, to get a basis for value. Then I have got to take that property and compare it as to location to the particular property that I am appraising, and then I have got to take into consideration the improvements on that property, if any. Then I have got to take into consideration the frontage and the depth and the area of this property. I have got to take into consideration what improvements are in back of this property, what city facilities are offered to this property, how near to the intense development of a city, or how far away from an intense development of a city, and how near an important position on the Hudson River.

Q. And—

Mr. Bain: You don't consider the price paid for the property at all, do you?

The Witness: What is that?

Mr. Bain: You don't consider the price paid for the property at all? You haven't mentioned the price.

The Witness: I said that is the first thing I did. Then I compared sales in the neighborhood.

Q. And what is the source of your information as to the selling price of the properties? A. In those cases I got what information I could from the record. The deeds would show, stamps would show consideration, and I would speak to the brokers, go around and get whatever information I could.

Q. And in making your study of sales, did you consider the uses to which the property was devoted and could be devoted? A. I did.

Q. And in making this study and comparison, what did you find, or what was your conclusion as to the comparability of property along the Hudson River shore front and the New York Bay shore front? A. Well, I would take—

Q. I mean generally speaking? A. I would take the sale and compare it with another, and I would either say it was purchased at a reasonable price or it was bought cheap.

Q. I mean did you find the properties to be comparable, or not comparable? A. Well, they are—exactly comparable they are not, but comparable as river front property they are all comparable.

Q. In other words, you found a substantial similarity there? A. There was a kind of similarity, yes; as water front property; but that they were alike, I don't think there were any two that were alike.

Mr. Stout: That is all.

RE-CROSS EXAMINATION by Mr. Bain:

Q. Are you employed by any municipality or municipalities at the present time for the purpose of appraising property and supporting assessments? And if so, what municipalities? A. I am employed by the Town of West New York, the Township of Weehawken and the City of Jersey City.

Q. Bayonne? A. The City of Hoboken and Bayonne.

Q. And your retainer is for the purpose of appraising property for the purpose of supporting the assessments on the property? A. For the purpose of assisting whichever way I can.

Q. Well, but that is the purpose? A. Yes.

Q. The purpose of supporting assessments? That is all.

By Mr. Stallman:

Q. In these particular cases that are under review? A. Yes.

Mr. Stallman: On behalf of the Delaware Lackawanna & Western Railroad Company, we object to any testimony to be given by Mr. Singer with respect to its properties located in Hoboken and in Jersey City. Those properties, as the record now shows, consist of a yard of about 190 acres, and it does not appear that this witness has ever bought, sold, or appraised, or ever had any experience with properties in Hoboken or Jersey City, and particularly properties of that class, and under the authority of the Pennsylvania Tunnel and Terminal Company against Schwartz, and other cases, we object to his competency to testify with respect to the properties of the

Delaware Lackawanna & Western Railroad Company here under review.

Mr. Stout: You were in that case?

The Witness: I was in that very case.

Mr. Bain: I object to Mr. Singer as an expert witness particularly as to the value of the property of the companies I represent in Jersey City; that is, the Erie—the companies of the Erie Railroad System, the Lehigh Valley Railroad System and the Central Railroad of New Jersey System. Mr. Singer, I submit, has not shown any of the qualifications of an expert as to the value of water front property, particularly in Hoboken and Jersey City. And, indeed, I submit that he hasn't shown the necessary qualifications to testify as an expert in regard to the value of property in other municipalities in Hudson County. He has merely made certain appraisements for the purpose of taxation. I submit that is not sufficient to qualify an expert; and most of those appraisals were made six, eight, ten years ago.

Mr. Wall: I make the same motion on behalf of the Pennsylvania and New York Central.

Mr. Stout: It seems to me—

The President: I don't care to be discourteous, Mr. Stout, but I fail to see any reason for hearing you at this time. Mr. Singer's status, as my brother just remarks, is established before the Board. He has appeared before us many times, and we are disposed to admit him.

Of course, the objections may be noted.

Mr. Stout: I thought I would like to enlighten the other side. It seems to me they have forgotten what the rules of qualifications are.

The President: Well, if that is so—my only purpose was to save time, Mr. Stout, I didn't intend to offer you any discourtesy. We have admitted Mr. Singer within the last two months as an expert on water front, in the Shooters Island case, without any very vigorous objection from the attorney on the opposite side. I think it is generally known that Mr. Singer is in the real estate business and has been for a number of years, and that his activities in that particular line are miscellaneous, general.

Mr. Stout: I would like to have it in the record for the guidance of the Board—

The President: Yes, sir.

Mr. Stout: —that it is laid down in the text-books and in the cases that it isn't necessary for a witness to qualify as a real estate expert that he must have made a sale of land. All that is necessary for the qualifications of a witness to testify as to the value of real estate is a knowledge of the property itself; whether he knows the location, characteristics, and the potentialities; and secondly, a familiarity with the sales. Now, if he knows that, the rest of it goes to the weight of his testimony. If he has a knowledge of the property itself, and a knowledge of sales of comparable property, that is sufficient to qualify him.

Mr. Bain: I want to say to the Board that the importance of determining the competency of an expert witness can hardly be over-estimated. We have tried to produce thoroughly qualified experts and—

The President: Now, let me have some light as to the difference betwen qualification and competency. What is this line of inquiry now, as to the difference between qualification and

Mr. Bain: As to qualification. Qualification depends upon knowledge and experience.

Mr. Stout: And you brought in witnesses that started in last summer for the first, the first they ever looked at the property.

Mr. Bain: Why, Mr. Chairman, a man might read a single work upon any science, mathematics or astronomy, or anything else; to say that that man is qualified as an expert on that science seems to me absurd. He has got to have more than a mere superficial knowledge. The mere fact that a man may look at what he calls certain sales doesn't qualify him as an expert. He has got to do more than that. Mr. Stout seems to have an idea, if I understood him correctly, that all that is necessary to qualify an expert is that he must examine the property and look at the sales of similar property in the vicinity.

Mr. Stout: You didn't listen when I was speaking.

Mr. Bain: I say if I understood you correctly; I may not have understood you. But that is the limit of what this witness has done. He made a few appraisals up in Wee-

hawken; nothing else. He has never been down in Jersey City nor had anything to do with water front property in Jersey City. He has never had anything to do with water front property in Bayonne until he was asked by the Bayonne authorities this year to make appraisals of water front property in Bayonne. Now, that is all that he has ever had to do with the whole subject of the value of water front property in Jersey City and Bayonne. I submit that is not enough to qualify an expert.

Mr. Stallman: If the Board please, in the case I mentioned, Mr. Wall is familiar with it, Mr. Singer said he was in it, the Pennsylvania Railroad condemned that tunnel right through Bergen Hill, and in order to determine the amount which the landowner was entitled to by reason of taking this subsurface casement from the owner of the surface, Mr. Singer and some other gentlemen were called into that case to give opinions, and the Court of Errors, on review, held that these real estate men were not competent and not qualified to express an opinion as to the value of the estate of which the landowner was deprived, because they had had no experience in appraising, or selling, or buying that particular class of property. Now, the courts have been very clear, from the case of Lang against the New York Central, Manda against the Delaware, Lackawanna & Western Railroad Company, and in the Ross condemnation cases, on the Palisades, and in a dozen cases I can recall to mind, on ruling upon the qualifications of experts, and in cases of this kind where you have an enormous water front in Jersey City and

Hoboken, water front lands backed up by great areas of back lands, and a witness who has never had anything to do with that class of property—it seems to me that the Board would be going far to admit a witness whose qualifications I am certain are contrary to the rules of the courts.

The President: Well, you say he has never had anything to do with that class of property. Now, your associate, Mr. Bain, has been, I think, a trifle more charitable in dealing with him. He concedes that he has had appraisements of this particular class of property in Bayonne. The Central Railroad and the Shooters Island—

Mr. Bain: Yes, he said he was employed to make these appraisals. I assume he has made some of them.

The President: Yes, he was admitted as a witness in the Shooters Island case.

Mr. Bain: But that wouldn't qualify him as to this whole stretch of water front because admittedly the water front has different values in various localities.

The President: I presume, Mr. Wall, you want to be heard?

Mr. Wall: No, sir; I have made my objection and am content to rest upon it.

The President (after conferring with members of the Board): The Board is disposed to admit Mr. Singer as a qualified witness.

An adjournment was here taken until 9:30 A. M., Monday, February 27, 1922, at the Court House, Jersey City, N. J.

Twelfth Day.

Jersey City, N. J., Monday, Feb. 27, 1922.

Present: Mr. Baker, President; Mr. Jess and Dr. Barber.

Appearances as before noted.
Case resumed pursuant to adjournment.

THOMAS P. GRAHAM, sworn for the State.

Direct-examination by Mr. Stout:

Q. Mr. Graham, where do you reside? A. 260 Derrom Avenue, Paterson, N. J.

Q. How long have you lived in Paterson? A. Twenty-four years.

Q. What is your business or profession? A. Real estate broker, specializing in commercial water fronts all around New York Harbor.

Q. Where is your place of business? A. 150 Broadway, New York, and 1 Montgomery Street, Jersey City.

Q. How long have you specialized in commercial water front properties around New York Harbor? A. Over twenty years.

Q. Are you familiar with the lands of the various railroad companies here under review? A. I am.

Q. What position or positions, if any, do you occupy as a real estate specialist on water front property? A. I am Chairman of the Committee on water fronts and terminals of the Real Estate Board of New York, and have been since the formation of that Committee some ten or fifteen years ago, which comprises we consider the whole Harbor of New York, under our jurisdiction, scope.

Q. Have you bought, sold, or appraised water front property around New York Harbor? A. I have.

Q. Will you tell us or rather give us the names of concerns for whom you have sold shore front property and those for whom you have purchased shore front property, and those for whom you have appraised water front property? A. I have either bought, sold or appraised property for the State of New York—

Mr. Bain: Now, which is which?

The Witness: Well, I haven't divided them up. I am giving you my experience. Do you want me to specify which ones I bought and which ones I appraised?

Mr. Bain: Mr. Stout's question, as I recall it, asked for a statement of concerns for which you have bought, sold or appraised water front property.

The Witness: As I understood him, he coupled them all up. Wasn't that what—

Mr. Stout: Yes.

The President: Bought, sold or appraised, is that the idea?

The Witness: Yes.

Mr. Bain: Well, there is quite a difference between what he has bought or sold, and what he has appraised.

The President: Well, suppose you give a list of them.

Mr. Bain: Well, let the witness state them and indicate as to which ones he bought or sold, and which ones he appraised.

A. I have a list here and I will designate as I give the name in which capacity I acted. The State of New York, that was an appraisal; the City of New York, was an appraisal; the City of Jersey City, was an appraisal; the City of Hoboken, was an appraisal; the Pennsylvania Railroad, was an appraisal; the Baltimore & Ohio Railroad Company, was an appraisal; Central Railroad of New Jersey, was an appraisal; Long Island Railroad Company was an appraisal; Eighth Avenue Railroad Company, was an appraisal; New York Dock Company was an appraisal and a sale; Consolidated Gas Company, was an appraisal; the New York Dye Wood Extract Company, raisal; the New York Dye Wood Extract Company, was an appraisal; the Teves Coal Company, was both an appraisal and a sale; Muhlenberg Coal Company, was an appraisal; Burns Brothers Coal Company, was an appraisal and a sale; the Standard Oil Company, was an appraisal and a sale; Langley Estate, both an appraisal and a sale; Rhinelander Refining Company, was an appraisal; Estate of Jabez Bostwick, was an appraisal; John E. Andrus, was an appraisal and sale; American Sugar Refining Company, was an appraisal and a sale; Inwood Dry Dock & Warehouse Company, was an appraisal; Bergen Estate, was a sale; Dickinson Estate, was a sale; Pott-Meeker Company, was a sale; Tilden Estate, was a sale; Bradley Contracting Company, was an appraisal; Bliss Estate, was an appraisal and a sale, too; Precious Woods Lumber Company, was an appraisal; Insulating Cable Company, was an appraisal; Franklin Pettit, was an appraisal and a sale; Miller Estate, was an appraisal; Ford, Bacon & Davis, was an appraisal; New York

Harbor Terminal Company, was a sale; Sound Shore Improvement Company, was both an appraisal and a sale; Whitestone Silica Fire Clay Company, was an appraisal and a sale; J. Sterling Drake, was a sale; Hoffman Estate, was an appraisal; Goodbody & Company, was an appraisal; Estate of Henry U. Palmer, was an appraisal; West Street Improvement Company, was a sale; Turner Construction Company, was an appraisal; Cruikshank Company, was an appraisal; American Agricultural Chemical Company, was a sale; the Barrett Company, was an appraisal; the Alcatraz Asphalt Company, was an appraisal; Atlantic Dredging Company, was an appraisal; Delano Estate, was a sale; Parker Estate, was an appraisal, and many other.

Mr. Bain: And you say many others?

The Witness: And many others.

Q. Mr. Graham, when did you start to make a study of the value of first and second-class railroad property located in Jersey City, or rather located in Hudson County? A. Well, for this case?

Q. No, not for this case, but how far back did your study go? A. Well, I testified for Jersey City in 1917 in the third-class, and in 1919. Necessarily, at that time I studied conditions. For this particular case I haven't engaged in it much more than a month or six weeks; long about January, I guess; started in January, and went specifically into the values of these properties.

Q. Have you kept in touch with the sales of shore front property located in Hudson County? A. I have.

Q. And for how long a period have you made studies of sales of shore front property in Hudson County? A. I have made studies in connection with all around the harbor for over ten years. As the properties on the New York shore became taken up, I knew that the Jersey shore was next, and I kept in touch with conditions as they came along, sales.

Q. Then, are you familiar with all sales of shore front property in Hudson County during the past ten years? A. I am.

Q. Will you tell us what— A. I wasn't through.

Q. All right. A. You asked me how I made a study. In 1919, I was retained by the American Sugar Refining Company to make a survey of New York Harbor. They gave me their requirements, what they wanted. I am going into this particularly because Mr. Morrison volunteered some information on that subject. I examined all available water front properties in New York Harbor, and found that the ones available were principally on the Jersey Shore, and in connection with that I interviewed practically all the railroads, and one day I saw Mr. Lorry, of the Delaware & Hudson, Mr. Smith, of the New York Central, and Mr. Underwood, of the Erie. That was in connection with the Cunard property. We were in negotiation for that property at the time, and also in connection with some other properties of the New York Central. When we found we couldn't get the Cunard property, we asked the New York Central if they wouldn't sell us a piece practically adjoining the ferry. Mr. Smith showed me a map, saying, "This part is out of the market," which was a part on the

Hudson County shore, commencing about four or five hundred feet south of the Weehawken ferry. I also, in addition to that, interviewed the Vice President of the Delaware, Lackawanna & Western, and tried to buy their property that they purchased in Hoboken; originally at that time with Mr. Ripley, who was a nephew of Mr. Ripley, of the Atchison, and his name was an open sesame for all the railroad officials, and tried to negotiate for the purchase of the Hoboken property of the D., L. & W. without any success.

Mr. Stallman: When was that?

The Witness: In 1919.

A. (Continuing.) Then, I examined a piece of property offered by the Lehigh, down at Perth Amboy. We found that wouldn't meet our requirements. Also examined a piece of property which the New Jersey Central said they might sell us, of the Port Johnston property. There were difficulties there that couldn't be overcome by the company, and they decided not to take it. That is the only piece that we had any chance, that and the Perth Amboy, properties that the railroads thought they would sell. Then, we obtained an option from the American Cotton Oil for property in Bayonne, paid $25,000 for the option to the American Cotton Oil Company, for a 15 days' option. We were afraid of the shore front at that point and subsequent investigation showed that we couldn't get the depth of water necessary for the business, and the company forfeited its twenty-five or $30,000 and the property wasn't purchased. Then, they developed the property in Baltimore.

Mr. Bain: Baltimore, you say?
The Witness: Baltimore.

A. (Continuing.) I have no doubt the Baltimore development wouldn't have come just at this time, had they been able to locate the new plant on the New York Harbor to take the place of the one in Jersey City which is more or less obsolete. It really is not large enough for their requirements.

At that time I made a study of all the properties, investigated every piece of property that had any potential value, or anywhere near the requirements. I talked with Mr. Shamberg, Mr. Walker of the Woodcliff, who informed me that that property was held under option at that time. I made an intensive study of all the conditions in and around the water front on—in Hudson County that might be available.

Q. Have you participated in the sale of any shore front property located in Hudson County? A. I sold the John E. Andrus property, or I negotiated a contract which was eventually a sale in which the price was fixed of the John E. Andrus property at Constable Hook. I was also in the sale of the Packard property, at Bayonne, and the Delano at Bayonne.

The President: What is that, Delano?
The Witness: Yes.

A. (Continuing.) I had also previously negotiated with the Shaw estate in Boston for their property at Caven Point.

Q. You mean what is known as the Blair property? A. Known as the Livermoore-Blair tract, yes. Mr. Ehrhart beat me to it.

Q. Did you negotiate to purchase the so-called Cunard property? A. Yes, I had very extensive negotiations with the Delaware & Hudson on that property.

Q. And—

Mr. Stallman: Well, just in order to keep the record straight, was that in connection with purchase by the Cunard people?

The Witness: No, it was a purchase by another client, by the American Sugar Refining Company.

Mr. Stallman: But you had nothing to do with the sale of that property to the Cunard people?

The Witness: No, nothing to do with it. We were negotiating at the time of the sale.

A. (Continuing.) In addition to that I want to say that the Erie Railroad offered us a piece of their property—of their Weehawken yards, but the question of title came in, and after the legal departments of both companies came together they found they couldn't convey that property with a sufficiently good title to justify putting the extensive improvements that they intended to put on it. But the Erie was willing at that time to let us have a part of their yard, if we could so arrange it.

Q. Well, then you were representing a competitor for the Cunard property? A. I did.

Q. What tribunals or bodies have you testified before in respect to values of shore front property? A. In New Jersey?

Q. Yes. A. Before the State Board.

Q. Have you testified before any of the courts in New Jersey? A. I testified, yes, in the Andrus matter, in Newark, in the—

Q. Court of Chancery? A. Court of Chancery, Vice-Chancellor Backes; and also in the United States Circuit Court in the Turner Construction Company matter.

Q. You mean the United States District Court? A. In the United States District Court, yes.

Mr. Bain: That was a damage suit?

The Witness: Yes. But we went into the values of property at the time.

Q. And did you go into the value of the property in the Andrus suit in the Court of Chancery of New Jersey? A. We did. And also in the same case, at Westchester, in the Supreme Court.

Q. Same matter? A. In the same matter.

Q. I mean not the same matter but involving the same property? A. Well, I guess it was the same matter. I have testified before many of the courts in New York, before condemnation commissioners—

Q. What courts, what bodies in New York? A. Supreme Court and condemnation commissioners, before the Court of Claims of the State of New York, before the United States District Court in New York, on a question of water front properties war base in South Brooklyn.

Q. From your studies of the sales and familiarity with the shore front property between Weehawken and Communipaw, do you think that there is such a similarity between the properties that you can compare one with another? A. I do, relatively, yes.

Q. You are familiar with the area and the uses to which the properties here under review may be reasonably applied, and the extent and condition of the improvements, as of January 1, 1921? A. I am.

Q. And you have made an appraisement of these shore front properties under consideration for the purpose of testifying before this Board? A. I have.

Q. And the value which you have placed upon these properties is the true or market value of the properties as of January 1, 1921? A. It is; in my opinion.

Q. And what do you define the true market value of property to be? A. A willing buyer and a willing seller; one not compelled to sell and one not compelled to buy.

Mr. Stout: Take the witness on qualifications.

CROSS-EXAMINATION by Mr. Bain:

Q. You say you have an office at 1 Montgomery Street, Jersey City? A. Yes, that was only recently, because I am compelled under the New Jersey License Act to maintain an office here. My principal office is at 150 Broadway, New York.

Q. When did you first open an office in Jersey City? A. About the first of this year, or the latter part of last fall.

Q. Do you maintain an office of your own, or is it with somebody else? A. No, with somebody else. It is merely to comply technically with the law.

Q. Well, with whom is that office? A. Mr. Dunham.

Q. You and Mr. Dunham have an office together? A. No, I wouldn't say—

Q. Well, at any rate you use a part of Mr. Dunham's office? A. I used for this purpose a part of Mr. Dunham's office, but my principal office is at 150 Broadway, New York.

Q. What treatises have you ever read dealing with the subject of the method of valuing property? A. What treatises?

Q. Yes.

Mr. Stout: You mean on the Hudson County shore front property?

Mr. Bain: I am dealing with the subject generally; subject of—method of valuing property.

A. I don't know that I have ever read any that were of any particular value to me. I have glanced over three or four of so-called treatises, but I have never found anything that interested me very much.

Q. What decisions by the courts bearing on the subject of valuation of property have you ever read? A. I read a decision—I will give you a decision here in a moment (referring to papers)—of the United States District Court, in the Langley case.

Q. What was that case? A. The name of the case is the Langley Estate against the United States Government. I have the decision here, if you would like it. And also I have read numerous decisions in cases I was interested in. I was much interested in this, because the Court held exactly my value. The United States Circuit Court of Appeals has just confirmed that.

Q. That was a case in which you were interested? A. That was a case in which I was very much interested.

Q. Did you ever read the decision of the United States Supreme Court in the so-called Minnesota rate case? A. I think Professor Gray—

Q. Now, never mind what you think. Did you ever read that opinion? A. I don't know whether I did or not.

Q. Well, can you say you did or you didn't? A. I won't say I did or I didn't. It didn't have very much effect on me if I did.

Mr. Stout: It was a rate making case, wasn't it?

The Witness: It was a rate making case, yes.

Mr. Stallman: Mr. Stout, please.

Q. What decisions by the courts of New Jersey bearing on the value of property have you read? A. I have some extracts of—.

Q. No, what decisions by the courts of New Jersey bearing on the subject of valuation of property have you read? A. I don't know. I am not a lawyer. I don't pretend to be a lawyer, and decisions are not of great interest to me. I don't claim to handle the legal end. I don't claim to be a lawyer, but a practical real estate man valuing water front properties and have for twenty years.

Q. Now, you have stated a great many concerns, for whom you have worked at various times in answer to a question of Mr. Stout. Practically all or most of those matters were appraisals, weren't they? A. No, they weren't. They were about equally divided.

Q. Well, let's see about that. Just how many of them were actually sales? A. Well, give me the record and I will—

Q. No, never mind the record; just tell me— A. Well, I testified from my memorandum and unless I have it now I may not give exactly the same answer as I gave before. I want the record (refers to memorandum). The State of New York, the City of New York, City of Jersey City, City of Hoboken, were appraisals.

Q. Those were appraisals? A. Yes.

Q. I didn't follow you at the time you were giving them, Mr. Graham. I wish you would merely state those in which there were actual sales.

Mr. Stout: You have got a list there, haven't you?

Mr. Bain: No, I didn't take them all down.

A. Pennsylvania Railroad Company was an appraisal—

Q. I don't care for the appraisals. I just want the sales. A. New York Dock Company was a sale.

Q. Where was that property? A. Foot of Harrison Street in Brooklyn.

Q. Brooklyn? A. Yes. Teves Coal Company, foot of North First Street, Brooklyn. Burns Brothers Coal Company was—well, it is on Manhattan Island; one of the one hundred streets, I can't just think of it for the moment.

Q. East or west side? A. On the East River.

Q. On the East River? A. Yes. Standard Oil Company was a sale. Langley Estate, I sold part of that property to the Pennsylvania Railroad Company,

New Jersey State Library

that is in South Brooklyn, years ago. The Andrus sale was a sale. American Sugar Refining Company, I sold within a year and a half a piece of water front at the foot of Grant Street in Brooklyn.

Q. Sold to them? A. Sold to them from the New York Terminal Harbor Company.

Q. That is you represented the seller in that instance? A. They paid me a commission.

Q. No, did you— A. I represented the seller.

Q. And when was that? A. That was within two years.

Q. Well, what year, Mr. Graham? A. Well, I would say in 1918 or 1919; 1919, I should say. The Bergen Estate was a sale, water front between 57th and 58th Street, in South Brooklyn. That was a sale. I represented the Bergen Estate, and I sold that to the Bliss Company. The Dickinson Estate was a sale of property at the foot of North First Street, in Brooklyn. The Potts-Meeker Company was a sale. Tilden Estate was a sale of a piece of water front on Bostwick Creek, Brooklyn. The Bliss Estate was a sale. Frank Pettit was a sale of property at the foot of 47th Street, on the North River, the Hudson River. The New York Harbor Terminal Company was a sale. Sound Shore Improvement Company was a sale down on the Kills, Carteret. And the Whitestone Silica Fire Clay Company was a sale of the same property to some other interests. I was interested in that. That was at Carteret. J. Sterling Drake was a sale of 23 acres on the Kill van Kull.

Mr. Stallman: Staten Island?

The Witness: Yes, on Staten Island.

A. (Continuing.) West Street Improvement Company was about a thousand feet on the East River, in the Greenpoint section. American Agricultural Chemical Company was a sale of a piece of property at Smith Street, on Gowanus Canal in Brooklyn. Atlantic Dredging Company was the Packard sale at Bayonne. The Delano Estate was the sale of property in Bayonne.

Q. Back on the Kill van Kull? A. On the Kill van Kull.

Q. Now—pardon me, have you finished? A. I have gone over this record, yes.

Q. What appraisals did you make for the City of New York? A. What appraisals did I make for the City of New York?

Q. Yes. A. Appraised all the Morris Dry Dock Company property in South Brooklyn.

Q. How long ago was that? A. About five years ago; I should say five or six years ago.

Q. Did you represent the City of New York in the matter of the acquisition of the land for the new Staten Island piers? A. Did I represent the City of New York?

Q. Yes. A. No, in that case I represented the Baltimore & Ohio Railroad Company, and the case has not been tried.

Q. That, of course, was subsequent to your employment by the city in the case of the acquisition of the Morris Dry Dock Company? A. Oh, yes.

Q. So that— A. Well, not acquisition; I represented the City in a tax matter then. That was a tax proceeding.

Q. So that you were employed by the City to appraise some property in South Brooklyn? A. Yes.

Q. And later and at the present time you are employed by the owners in proceedings by the City of New York to acquire lands down on Staten Island? A. Yes. I represented the City in the condemnation proceedings at the 39th Street ferry matter. I was in that case. In that case we had a very unique proceeding. The experts for the City and the experts for the property owners took the same unit of value.

Q. What property did you appraise for the State of New York? A. I appraised the Brooklyn Eastern District Terminal—

Q. This was all on the East River? A. On the East River, in the Williamsburg section, in the matter of a transfer tax in the matter of the estate of Henry U. Palmer, who was one of the owners.

Q. And subsequent to that time have you appeared or have you been employed as an appraiser in matters in which the State of New York is interested, but not for the State of New York? A. I don't think so. I don't think I have appeared in any case against the State of New York.

Q. No, but have you been employed? A. Employed? Yes; I was employed by the Bradley Company in the matter of the barge canal terminal in the Borough of Queens, but the matter was settled without any—

Q. That was a case in which you were against the State of New York? A. That was a case I was against the State of New York.

Q. Now, what property did you appraise for the Pennsylvania Railroad Company? A. I appraised the property at the foot of 126th Street and the Harlem River for the purpose of establishing a value for renewal of a lease.

Q. How long ago was that? A. Within a year. I am now under retainer by the Pennsylvania Railroad Company.

Q. For what purpose? A. For the purpose of testifying in condemnation proceedings in Piers 1, 2, 3, 4 and 5, Hudson River.

Q. New York? A. In New York, on the New York shore.

Q. What property did you appraise for the Central Railroad Company of New Jersey? A. I appraised the property between 15th and 16th Streets on the Hudson River, or on the North River.

Q. How long ago was that? A. That must be ten or twelve years ago.

Q. Ten or twelve years ago? A. Yes. Valuation establishing there of a lease.

Q. Now, what property did you appraise for the Eighth Avenue Railroad in New York? A. Property at 155th Street and 156th Street, on the Harlem River; the one Mr. Corbin testified in that the sale of the International Elevating Company was—a much greater value than he had previously testified to. I was for the Eighth Avenue Railroad Company, and Mr. Corbin was testifying for the owners.

Q. Did I understand you to say that you started to make your appraisals of the properties involved in these present matters in January of this year, January, 1922? A. Yes.

Q. And when did you complete your appraisals of that property? A. About two or three—a couple of weeks ago. Mr. Dunham was sick and I had completed them before that; I was ready to go on and testify at the time he was sick.

Q. How long before that did you complete your appraisals? A. I am telling you just about

that time when Mr. Dunham was sick I had completed them.

Q. I thought you said sometime before that. A. No; I did not; it was just about that time.

Q. You say that in 1919 you were employed by the American Sugar Refining Company to make a survey of New York Harbor? A. Yes. To present to them any plots; they gave me certain requirements that might suit them. I have been employed by the American Sugar Refining Company for nearly twenty years. This was a particular employment for this purpose.

Q. That is, in 1919, that company asked you to ascertain whether or not there was a site available for it somewhere in the harbor? A. Yes.

Q. That is what you meant by employment— A. Yes. I was told to make a survey in connection with their engineers.

Q. That was what you meant by making a survey? A. That was what I meant by making a survey.

Q. Are you sure that wasn't prior to 1919? A. I am quite sure, because I asked Mr.—one of the engineers, if—

Q. Don't you know they were looking for a site in 1918? A. Why, I know they were looking for a site for a long while, and I know that any site they found in the last ten or fifteen years I would know all about it, because I am their advisor in all real estate matters.

Q. You know they were looking for a site for several years before 1919, don't you? A. Well, I don't think it came up to real—they talked

a great deal, they organized what they called their advisory board of engineers and—

Q. But they didn't really want it until 1919? A. 1918 or 1919, just about that time.

Q. Well, which was it, 1918 or 1919? A. What difference does it make? My employment is absolutely continuous. I can't tell what happened in 1918 and 1919.

Q. Now, Mr. Graham, don't you know whether the American Sugar Refining Company actually wanted a new site in New York Harbor in 1918? A. Well, if they did, I would know it, but my impression is that it was 1919.

Q. You say you would know it or do know it? A. Yes; I would know it.

Q. Well, do you know it? A. I know they wanted a site. Whether it was the latter part of 1918 or 1919—a matter of date I can't tell. My employment is absolutely continuous. I am in their office at least once a week. I am consulted—

Q. Isn't your recollection clear as to whether or not the American Sugar Refining Company wanted that site in 1918 or in 1919? There is a whole year's difference. A. Yes; we have talked about that site in New York Harbor for longer back than that.

Q. That is, you have talked about it? A. Yes, I have been consulted. The manufacturers' committee—

Q. But you weren't started out to acquire one until 1918 or 1919? A. That is about the time.

Q. Well, now, which was it, 1918 or 1919? A. I can't tell you without referring to records. It is absolutely unimportant.

Q. Now, you say that the Port Johnston property of the Central Railroad in Bayonne wasn't suitable

for the American Sugar Refining Company through some lack of water or something— A. No.

Q. Well, what was the trouble? A. Mr. R. S. Parker, when we were on the property, he said, "This won't do."

Q. Why? A. He didn't give any reasons, and it was sufficient to say it wouldn't do. The engineers had to bow to it. He was the authority.

Q. Well, who was that Mr. Parsons? A. Mr. R. S. Parker, vice president of the American Sugar Refining Company.

Q. And did the same thing apply to the other shore front property in Bayonne? A. No. No. We went so far as to spend $30,000, and in addition to that drilled and found that we struck a ledge of rock and it would cost a million and a half to get 30 feet of water in front.

Q. Where was that? A. That was the American Cotton Oil property, just below, on the Kill van Kull.

Q. That property was turned down? A. For the reason that I have now stated, but it wasn't considered until the possibilities of the Hudson River front was exhausted.

Q. You don't know why the Port Johnston property was objected to? A. No, except that Mr. Parker said it wouldn't do; that is all.

Q. Now, I think you cleared up this point in answer to a question of Mr. Stallman, namely, that the property that was subsequently sold to the Cunard Company—you had nothing to do with the purchase of that by the Cunard? A. Oh, no; except we were negotiating with the same man, and I knew that Mr. Delos Cook; he was the managing director of the Cunard people, formerly vice president of the Erie Railroad—he negotiated the purchase of the Cunard property.

Q. For the Cunard, you say? A. Yes.

Q. Who is the real estate agent of the American Sugar Refining Company? A. If there is any, I am.

Q. Well, haven't they anybody else? A. No. The man who really has charge of the real estate in the company is Mr. Gibson, the secretary.

Q. Who went around with you when you say you entered into negotiations with various railroads? A. Mr. Paul Ripley, the traffic manager, he being a railroad man and familiar with railroad properties and railroad people, and a nephew of Mr. Ripley, of the Atchinson.

Q. You and Mr. Ripley went together? A. We went together.

Q. Did you always go with him, or do you know whether he went at times when you were not with him? A. He may have gone at times when I was not with him. I think, as a matter of fact, the Lehigh matter, he called my attention to it, and asked me to go down with the industrial agent of the Lehigh and one of the other engineers of the company, to go down and examine the property—Major Bennett, and I forget the name of the other gentleman. We went down and looked it over. I told them I had already considered that property and called their attention to it, and I didn't think it was suitable for them, but we went down and looked at it. But I think in that particular instance the matter was called to my attention and I didn't call their attention to it.

Q. What is the depth of water inside of the pierhead line on the Erie ferry property? A. It is

sufficient for the ferry boats to go back, of course. Let me have the map a minute.

Q. Never mind the map. Don't you know the depth of water? A. I know it is 30 feet in the channel.

Q. Do you know without referring to the map? A. Yes. I have looked over the map. I have never taken any soundings. I have looked over the government map, and I have seen dredges going up and down there, working all the time.

Q. I am not speaking of outside of the pierhead line. The government map doesn't show the depth inside, does it? A. I know there is sufficient depth for the ferry boats (referring to map).

Q. Who prepared the map you are referring to? A. The engineer of the Harbor Line Board, I think.

Q. Well, make sure of it, please. A. Well, here is a copy of it signed by the engineer, Colonel Corps of Engineers.

Q. New York Harbor Line Board? A. I think so.

Mr. Stout (examining map): United States Engineers' Office.

Q. That map doesn't show the depth of water inside of the pierhead line, does it? A. No; it doesn't interest me what the depth is inside of the pierhead line; I know they can get all the water they want there by dredging.

Q. It doesn't interest you what the depth is inside of the pierhead line? A. No; it doesn't, because I know they can get it.

Q. That applies to all of these properties? A. Yes.

Q. That is, the depth of water inside of the pier-head line all the way along the shore front doesn't interest you? A. Yes.

Q. It doesn't make any difference to your mind what the depth of water is, does it? A. If by dredging they can get the proper depth, no, it doesn't make a great deal of difference.

Q. But you don't have to know the actual depth of water in order to express an opinion as to value? A. I do have to know that the depth of water is up to them.

Q. But you don't have to know the present depth? A. No. Any more than the present height of the ferry house. They could build it higher if they wanted it. They could dredge the channel deeper if they wanted it.

Q. You can't state the relative depths of water in these various properties, can you? A. Why, no, I haven't gone there with a plumb line and examined it, and there is no map that shows it. I know they can get the depth; there is presumably 35 feet of water immediately adjoining the ferry.

Q. You mean outside the pier line? A. No, I mean inside the pier, right up to the grain elevator.

Q. That is in the slip? A. In the slip, immediately adjoining it, the presumption is you can get the same depth of water in the ferry slip if you wanted it, by dredging.

Q. And, of course, by dredging you can get any depth of water you want? A. Yes, but sometimes when you strike a ledge of rock the cost is prohibitive, and that is what happened in the American Cotton Oil property.

Q. That occurs in spots along the Hudson River, doesn't it? A. Well, I think over in front of Castle

Point there are some places there that there might be some trouble, but I don't know of any place where there is any ledge rock south of Hoboken. I think I have seen the borings showing the situation around Weehawken; no trouble to get water there.

Q. Do I understand you to say that the depth of water leading to the Erie elevator is 30 feet? A. Thirty-five feet, I understand.

Q. Don't you know it is only 24? A. No, I don't. I have seen ships in there that draw more than 24 feet of water. I have seen them in there myself. I don't have to have anybody tell me.

Q. Well, do you know whether the whole slip is— A. I know that they had sufficient depth of water there to float those ships.

Q. The Hudson tunnels pass under parts of these yards, do they not? A. Yes, a considerable distance back of the ferries. In other words, back of what they call the deep channel there. I walk through the Erie every day and I know how far back that is.

Q. The tunnels cross the river, do they not, under the river? A. Oh, yes, but at sufficient depth.

Q. And they run under the water front portion of these railroad yards? A. Yes.

Q. Now, do you know how far below the river bed the tops of the tunnels are? A. I know the United States Government put the tunnels sufficiently low to take care of any possible danger.

Q. Do you know what that depth is? A. I think something like fifty feet. That is the reports I have. That is the information I have.

Q. You haven't gone into that question particularly? A. Yes, I have. I know there is sufficient depth there. I have had that information in the case of the New York Dock Company.

Q. Do you know the actual amount of silt that must be left over the tops of the tunnels? A. I know sufficient has to be left over, not only a silt blanket but a clay blanket, to protect the tops of those tunnels.

Q. And you don't know what that depth is? A. Practically fifty feet.

Q. Fifty feet from where? A. Fifty feet below the mean low water.

Q. Do you mean to state as a fact now that the tops of the tunnels are 50 feet below the river bed? A. I think they are at least 50 feet below mean low water.

Q. And what is the depth of the river? A. Well, at the pierhead line it is 30 feet, at mean low water.

Q. Outside the pierhead line? A. Yes, in the channel, along the pierhead line.

Q. So, it is about twenty feet below the bottom of the river to the tops of the tunnels? A. Yes.

Q. And it is required to leave that 20 feet there, is it? A. Why, I don't know what they are required, I know that a sufficient silt and clay blanket has to be kept there to protect the tunnels.

Q. So that you can't state positively to what extent there can be any dredging immediately over the tunnels at the railroad yards? A. I know that there can be at least 30 feet, because there is 30 feet, I understand, in the channel outside the pierhead line.

Q. Are you sure of that? A. Yes.

Q. Did you personally examine all the properties you have appraised? A. Did I personally examine them? I have been familiar with those properties for—

Q. No, now, answer my question. A. Yes, I have been over them lots of times. I haven't walked over every foot of the yard, the New York Central yard, I have walked from Weehawken clean to Guttenberg; I have been in the Delaware, Lackawanna & Western yards at different places at different times. I have gone up and down the river and watched them from the river front, and I have looked at them from the Hoboken front. Water front to me isn't a passing view. I am interested in it all the time. I never get anywhere in the neighborhood that I don't watch it. I can't tell you the number of trips on it, I can't count them, but generally I know the physical condition and layout of those properties; sufficient to put a value on them.

Q. You said you started to make an appraisal of the property involved in this proceeding last January? A. Oh, yes, but I don't say I have gone over it since then.

Q. You have not examined the property since you started to make these present appraisals? A. Only generally.

Q. Well, have you actually inspected the properties? A. Yes, I have from the river. I have taken the ferry boat, and an automobile, and looked over the New York Central yard, and went down through Hoboken and looked at—

Q. Mr. Graham, have you personally since last January inspected every parcel? A. No, I—

Q. Upon which you are about to testify? A. No, I don't think since last January I have looked over the property on New York Bay, all of them, but I generally looked over all the property on the Hudson River, just refreshing my memory on it. If it had been entirely new property, an entirely new proposition to me I would probably have had to make a much closer inspection and wouldn't have had time to do it.

Q. Do you know the exact physical condition of every parcel of land the value of which you are about to testify to? A. I think I do. I know practically—

Q. I don't want to know what you think. I want to know what you know. A. Well, I can't give you any other answer.

Q. Do you know the character of the land under the piers on the various properties involved in these proceedings? A. Character of the land? What do you mean? The land under water?

Q. Yes. A. I know it is mostly mud.

Q. Do you know what the substrata is? A. Generally speaking, yes.

Q. Well, what do you mean by generally speaking? A. Well, what any practical man would know.

Q. Do you mean to say by looking at the land from the river, or by looking at the pier, you can tell what is under the pier? A. Why, I have known these water front properties for the—

Q. Well, answer my question. A. No, I can't answer your question. I will answer it, the only answer I can give you, I will tell you this, that by looking at the surface of it I can't tell you what the land is.

Q. Do you know what the borings show at various points along the water front, as to substrata? A. I have seen a map showing the borings in the Cunard property. I suppose I have seen the borings down at certain portions of Bayonne, but I know that all—

Q. Let me ask you— A. Wait a minute.

Q. Are those the only borings you have seen? A. Yes, I don't think there has ever been any necessity for any more borings, but I assume and I based my valuations on the fact that they can get the water, the depth, the proper depth of water, by dredging, ordinary mud hardpan dredging.

Q. Have you ever read the various grants and deeds by which title to the water front you have appraised is held? A. I assume—

Q. No, never mind what you assume? A. No, I haven't; yes, I read the grant to the Cunard people.

Q. That is the only one? A. That is the only one, but I assumed that they had a good and sufficient title, and my valuation is based on the fact that they have a good and marketable title. I didn't go into the legal aspect of the case.

Q. In making your valuations, have you assumed that these properties would be offered in the market? A. I assumed a hypothetical purchaser and a hypothetical seller.

Q. Then you have assumed that the properties would be exposed in the market for sale? A. Well, I don't

believe that any of these railroad yards would be. I assumed that that would be their market value if they would sell and if there was a seller and a purchaser.

Q. Then you have assumed a hypothetical sale of the properties for appraisal? A. I have. I have to do it to get the market value.

Q. In competition with any other property? A. In competition with all properties.

Q. Well, I know, but you say that you have assumed a hypothetical sale or hypothetical sales of all the property you have appraised. A. I think all water front is more or less competitive on New York harbor.

Q. That is, you think that the property down on Staten Island Sound, that being considered part of New York harbor, is a competitor of property on the Hudson River? A. To a very limited degree.

Q. But you think it is? A. I do.

Q. You think property over on Newtown Creek is competing property? A. Why don't you ask me about Harlem?

Q. You said they were all competing properties? A. Yes.

Q. And I am asking you now— A. No, I don't. I don't think that the property on Newtown Creek or Gowanus Canal, or Kill van Kull, is competing property with property facing the channel on the Hudson River.

Q. You think property on the East River is competing property with property on the North River? A. To a greater or less degree.

Q. Well, do you know how much greater and how much less degree? A. Well, I haven't an analytical mind. I can't analyze it.

By Mr. Stallman:

Q. Mr. Graham, in studying over your list of activities, you have not participated in the sale or purchase of any water front property between the Morris Canal Basin and the Bergen County line, have you, on the Jersey shore? A. No, I have not.

Q. And outside of your work in these particular cases you have not appraised any Jersey shore whatever in this territory? A. Yes, I put a valuation on the Shamberg property, on a portion of the Woodcliff property, and the Cunard property, for the American Sugar Refining Company when they were negotiating for it, I told them what I thought they were worth, and I made the appraisal.

Q. Now— A. Also told them what I thought I would appraise the property of the Ocean Steamship Company, and the Manor tract, in Hoboken, when we were attempting to purchase it from the D., L. & W.

Q. Well, you didn't appraise those for the owners? A. No, for the purchasers.

Q. What parts or part of the Delaware, Lackawanna & Western Railroad terminal did you examine for the purpose of making your appraisal? A. Examined the whole from the water front, looked back around on Henderson Street and through. I walked in part of the yards.

Q. Where from? A. From Ferry Street went back on the westerly end then from—

Q. You walked around the yard? A. Yes, a part of the yard. I didn't go all through it.

Q. Well, what part of the yard were you actually in? A. Well, I was actually in the part of the yard down by the water front.

Q. And how did you get there? A. Walked in from the station.

Q. Well, where did you go, out on Pier 1? A. I went out on some pier, I don't know what they call it.

Q. Right near the station? A. Yes.

Q. What did you see from there? A. Why, I saw the general lay, I saw a very deep basin, a little further to the south part of it, a very long—

Q. You mean the long slip? A. Yes, the long slip.

Q. Then you saw Pier No. 2 across the way? A. Yes.

Q. Didn't you? A. Yes, I think so. Wait until I refresh—I can't carry it in my mind (refers to papers).

Q. You went out on an excursion boat pier near the station, did you? A. I don't know whether they call it an excursion boat pier or not. I went out on the pier there.

Q. Well, the pier south of the passenger depot? A. Yes.

Q. And then where did you go from there? A. Then I walked back in the yard there until I got up against the canal slip.

Q. Then, where did you go? A. Then I went out, I went out here on Ferry Street and went up around Henderson Street, and looked at the yard there.

Q. Then, where did you go? A. I didn't go any other place.

Q. The only part of the yard you actually got into for any distance was through the passenger yard on the north side of the long slip? A. Yes. I watched the other from the river front on the ferry boat.

Q. What line of ferry boats did you use to make that inspection? A. That was the West Shore, the ferry boat that runs along the river front there.

Q. And those ferry boats usually go up and down the river about a thousand feet out from the Jersey shore, don't they? A. Not always. Sometimes they come in pretty close, sufficient to see it, get a bird's eye view of it.

Q. And a ferry boat usually passes that property in about five minutes, doesn't it? A. Well, I haven't held a stop watch on it. It don't take long to run 2,600 feet, but you get a bird's eye view as you go up the river of all those properties.

Q. Have you bought or sold any property in Hoboken or Jersey City, Mr. Graham, or participated in any transfers? A. No.

Mr. Stallman: That is all.

DIRECT-EXAMINATION continued by Mr. Stout:

Q. Mr. Graham, you were interrogated as to whether you had read any of the opinions of our Courts as to the value or the methods of valuing shore front property.

Mr. Bain: The question is objected to. The witness has answered it and said he did not.

Mr. Stallman: He didn't think they were of any particular use.

The President: I will allow the question.

A. Well, the last—

Q. Well, yes or no—you testified, you were asked that question, were you not? A. I was asked that question, yes. My recollection—

Q. Just a minute. You testified in the third-class railroad cases of last year, did you not? A. I did.

Q. And those valuations were made up as of October 1, 1919? A. They were.

Q. And you have read the opinion of the Supreme Court of New Jersey? A. Yes. I have a copy of it here.

Q. You have also read, have you not, the opinion of the United States District Court for the Eastern District of New York, in the case of George E. Bennett and others against the United States of America and the City of New York, in which you testified, and what the Court there said about your methods of valuing property? A. I have. That is the Benedict property.

Q. Benedict; all right. In making a comparison of the properties here under review with the sales of what you consider comparable property, have you considered the surroundings of the properties under review, and the surroundings of the properties involved in the sales? A. I have.

Q. Have you considered the depth of water in front of the properties under review, and the depth of water in front of the properties involved in the sales? A. I have.

Q. You made an examination of these properties under review when you were preparing for your case

last year in respect to third-class valuations? A. I did.

Mr. Stout: That is all.

RE-CROSS EXAMINATION by Mr. Stallman:

Q. You know, don't you, Mr. Graham, that the Delaware, Lackawanna & Western wasn't involved in the third-class appeal last year? A. Yes; the ones that I did examine, they were.

Q. Yes, but you didn't examine the Lackawanna yard in connection with the third-class appeal of the Jersey Central, did you? A. No; or the Erie stock-yards, or the Pennsylvania stock yards, or the Erie elevators.

Mr. Bain: And you didn't examine the New York Central yard in Hoboken?

Mr. Stout: No.

The Witness: No. I will qualify that as far as they lay near each other. But the water front on the New York harbor is no novelty to me, the physical condition of it.

Mr. Bain: But when you were making the appraisals of the so-called third-class property—

The Witness: I didn't examine the first and second-class unless they were immediately adjoining or a part of it.

DIRECT EXAMINATION continued by Mr. Stout:

Q. Mr. Graham, when did you first begin to familiarize yourself with the terminal yard of the New York Central in Weehawken? A. Why, I went over it more particularly in 1919 when I was making that examination. I went over it carefully.

Q. Well, had you made a study of that yard, or familiarized yourself with it prior to that time? A. Yes, I knew it prior to that time.

Q. And about the Delaware, Lackawanna & Western? A. Oh, I have known the general condition of that yard there for ten years anyway, the lay-out.

Q. And you have heard the testimony of the witnesses for the railroad companies as to the area and condition of the yard, and also the testimony of Mr. Dunham, for the State, in respect to the area and condition of these yards under review? A. Yes, I heard some of the witnesses for the railroad companies, not them all, and I have heard more particularly Mr. Dunham.

Q. You heard Mr. Dunham? A. Yes.

Q. And you have examined the map which is in evidence produced by the railroad companies, as to the area and the depth of water in front of the various tracts? A. I have.

Mr. Stout: That is all.

Mr. Bain: We object to Mr. Graham testifying as an expert.

Mr. Stout: I would like to have the objection stated.

Mr. Bain: On the ground he is not qualified.

Mr. Stout: I would like to have it stated. Mr. Bain, as a lawyer, knows that a bare or naked objection is no objection, that this Board, if he has a real objection, ought to be enlightened so that it can determine whether Mr. Graham has met the requirements.

Discussion as to Qualifications

Mr. Bain: The question is whether or not the witness is qualified and I object on the ground that he is not qualified. That is a sufficient statement of the grounds.

Mr. Stout: He is a man because he is a man.

Mr. Stallman: I would like to add an objection on behalf of the Delaware, Lackawanna & Western Railroad Company, and also on behalf of Mr. Wall, for his clients, to any testimony given by Mr. Graham on the ground that while he may be eminently qualified to testify as to water fronts in New York and other parts of New York Harbor, his examination has disclosed that he hasn't the qualifications necessary to testify as an expert in regard to water front lands in Jersey City and Weehawken.

Mr. Bain: I might say further, amplifying my objection for a moment, the examination and cross-examination of Mr. Graham indicates that he hasn't sufficient familiarity to express an opinion as to the value of the lands involved in this review; not sufficient familiarity either with the methods of appraising the property, or with the condition of this property.

Mr. Stout: May it please the Board, I would like to have it stated on the record that Mr. Graham is eminently qualified to testify as an expert, both as to actual familiarity with the property here under consideration and the sales of comparable property; but even if he were not qualified as an expert by reason of sales of comparable property his study is sufficient to qualify him. Our courts have laid

down that a real estate agent or person engaged in private business of such a character as gives them special and peculiar knowledge of the subject is qualified to testify as to the value of property. Courts have said it isn't necessary that the witness should have bought or sold land in that vicinity, or that he should have known the actual sales of such tracts as the one in question, or that his knowledge of sales should have been personal or that it should have been derived from the buyer or seller of the lands sold. The essentials are first a knowledge of the intrinsic properties, of the thing; secondly, a knowledge of the state of the markets. That knowledge has been interpreted to include a familiarity on the part of the witness with the property in question, and its area and the uses to which it may reasonably be applied, and the extent and condition of its improvements. Another essential is a knowledge of the general selling price of ground in the neighborhood at the time, and the United States Supreme Court—

Mr. Bain: May I interrupt? What was that last case that you last read from in which you said our courts—

Mr. Stout: I mean when I speak of our courts I am not speaking of the courts of the State of New Jersey.

Mr. Bain: That is not a decision by the courts of New Jersey that you read from?

Mr. Stout: No. But the courts of New Jersey—

Mr. Bain: May I ask, Mr. Stout, what decision that is, of what State and what court?

Mr. Stout: Oh, a number of them. I am reading from Jones on Evidence, which is a recognized authority and you will find it on pages 956 and 957.

Mr. Stallman: What is the edition of that book?

Mr. Stout: What is the edition of this book? This book was published in 1913.

Mr. Bain: Recognized as an established text book, do you know?

Mr. Stout: Yes, it is.

Mr. Stallman: Ever hear of it before?

Mr. Stout: Ever hear of it before? Why, I have had it in my library for the last—

Mr. Bain: Twenty years?

Mr. Stout: —seven years. You know, sometimes I marvel at you gentlemen. It seems that you take the attitude that you possess supreme knowledge on this subject, and I think from the recent licking you got you ought to take a different attitude. It is all right to sit there with a cynical smile on your face, but—

Mr. Bain: What I really wanted to know, Mr. Stout, was the name of the case and the report?

Mr. Stout: You look at the book.

Mr. Bain: Won't you please give it to us so that we may have it on the record?

Mr. Stout: So far as I am concerned you will get nothing. I refer you to the case of the Mont. R. R. Co. vs. Warren, reported in 137 U. S. 348, in which Mr. Justice Brewer

said that after a witness has testified that he knows the property and its value, he may be called upon to state such value. The means and extent of his information, and, therefore, the worth of his opinion, may be developed at length on cross-examination and a full opportunity to the adverse party, if not satisfied with the values thus given, to call witnesses in the extent of whose knowledge and in the weight of whose opinion it has confidence. And I assume that the railroads have done that. So that I say Mr. Graham has shown here a wonderful display of knowledge of the value of this class of property.

The President: The Board, without division, inclines to the conclusion that Mr. Graham should be admitted.

Mr. Stout: I might further say, I don't want to take up too much time, what the United States District Court for the Eastern District of New York said in respect to Mr. Graham's qualifications. This decision of the Court, and this opinion, was affirmed, or the decision in this case, rather, by the United States Circuit Court.

Mr. Stallman: We object to it for this reason that as we have stated we have no doubt whatever that Mr. Graham is eminently qualified to testify with respect to New York State water front properties, and his many sales have shown that he is qualified; our point is that being qualified to testify in regard to New York properties doesn't qualify him as to New Jer-

sey. We don't dispute what the Court said at all.

The President: Well, I think the matter has been disposed of. Proceed, Mr. Stout, with the examination.

DIRECT-EXAMINATION continued by Mr. Stout:

Q. Mr. Graham, you have made an appraisal of the terminal yard of the New York Central Railroad Company here under review? A. I have.

Q. And you have placed a valuation upon that property as of January 1, 1921? A. I have.

Q. And the valuation that you have placed upon it, was that in your opinion the true market value as of that date? A. It was.

Q. You have examined the map received in evidence in this review? A. I have.

Q. You have considered the shore frontage and the depth of the property as shown by the map? A. I have.

Q. What valuation did you place upon this property as of January 1, 1921? A. I put an average valuation on the property of the terminal yard and the main stem in the terminal yard. I haven't appraised any property outside of the yard itself, or any main stem.

Q. What valuation— A. An average value of $75,000 an acre.

Q. You have not valued any main stem out of the yard? A. I have valued nothing outside of the yard.

Q. And when main stem is comprehended in a yard, why, you put the same average valuation upon

it as you did on the yard in the terminal tract? A. I have.

Q. Did you zone this property for the purpose of making up your appraisal? A. I did not. As a matter of fact the average depth of this property is 1,550 feet and you have got the slip 1,245 feet in it now, running almost back to the tail end of it.

Q. In your opinion, one portion of this terminal tract adds a value to the other portion that is used in conjunction with it, and vice versa? A. Yes; general average value.

Q. And then after putting an average valuation upon this main tract of $75,000 an acre, you then divided the tract into these respective areas as determined by the State Board for the purpose of assessment? A. Yes; mostly for identification.

Q. How did you arrive at the value of $75,000 per acre for this land? A. By my general knowledge of all water front values, and more particularly the values, the sales of property to the north and south of it, and by comparison with difference in physical conditions at other locations, and so forth.

Q. Are you familiar with the purchase of the Cunard Steamship Company? A. I am.

Q. And the purchases by the New York State Realty and Terminal Company to the north of this property? A. I am.

Q. And the sale of Shamberg to Luckenbach? A. I am.

Q. Are those the sales which you particularly use in arriving at the value of this property? A. I found three or four sales which aided me very

materially in determining what in my opinion was the market value of this property.

Q. Will you make a comparison between the property comprehended in the Cunard purchase with the terminal yard of the New York Central as to location? A. As a matter of location I think it is a little better than this.

Q. You mean the Cunard is better than this? A. Yes. As to physical condition, when I speak of a better location it is closer to the ferries, closer to Hoboken but as a matter of approach and access it is practically comparable: it has one access, this has two; the access to the—

Mr. Stallman: You mean the New York Central?

The Witness: The New York Central.

A. (Continuing.) North and south. The Cunard property, their access at the time of the purchase was merely through Baldwin Avenue, which is a 30-foot right of way, and over a big nest of tracks which will probably have to be covered by a ramp. The Cunard property, in my opinion, is not an ideal water front plot. It hasn't sufficient depth. This mythical thousand foot piers that we all talk about simply may be by having a ship coming in here that demanded a thousand foot pier, but that is not the proper development of water front properties. We have on different parts of the harbor piers 1,800 feet. You have given one of 2,500 feet. The trouble with this whole situation through here is a lack of depth between the pierhead line and the usable upland; that restricts its value. Now, it is fairly comparable as a matter of depth with this property. This property—

Q. You are speaking now— A. Of the Cunard property.

Q. We are speaking now of location. A. Location. Have I sufficiently—

Q. Yes. In your opinion, does property increase or decrease in value as to location as you go south from the New York Central Railroad terminal yard to the main yard of the Pennsylvania Railroad Company, in Jersey City? A. It increases.

Q. And so location alone—property increases as you go south to the main yard of the Pennsylvania? A. As a general proposition.

Q. What would you say as to the surroundings of the New York Central yard as compared with the Cunard property? A. Well, they are both cut off except by access at either end. They both have a cliff back of them, and the land to the west is not available without a great cost to be added to the water front. They both have restricted areas and both have restricted access.

Q. The New York Central Railroad property is an improved or unimproved piece of property? A. It is an improved piece of property, filled in, bulkheaded.

Q. What was the condition of the Cunard property at the time of the purchase? A. Unimproved. What was on the Cunard property would give no salvage, it would cost money to take it away. In other words, the improvements wasn't an asset but a liability, added to the cost of the property to take it away.

Q. What would you say as to the depth of water in front of the New York Central Railroad terminal property as compared with the depth of water in

front of the Cunard? A. The Cunard has—the natural channel shoots in there; it has a little greater depth of water than the New York Central which practically has that 30-foot channel. The most of it is higher but there is a little greater depth of natural water in front of the Cunard purchase.

Q. Do you consider the sale of the Delaware & Hudson Company to the Cunard Terminal Corporation to be a sale at market value at the time of the sale? A. Yes, I think it was at least at market value.

Q. Will you analyze the sale? A. Well, what sort of analysis do you want?

Q. What are your sources of information as to the facts surrounding the sale? A. Well, I was in negotiation right up to the time that the Cunard bought it. I had hoped to purchase it for my client and generally knew what the condition of the property was, its area, its frontage, its physical condition, its location, and I knew what they paid for it.

Q. Do they call that a war sale, or a "war baby"? A. No, the Cunard Steamship Company was a great steamship company before the war and the war was over when that purchase was made.

Q. What was the selling price per acre of the lands involved in the Cunard purchase? A. About $72,400 per acre.

Q. How— A. That is the original purchase of the property.

Q. Yes. A. In my examination and investigation of that property I saw in the Board of—the Riparian Board, a copy of the riparian lease, and in that lease there was a clause, if and when extended; subsequent

to the purchase at $72,500, it acquired part of the land outside from the State of New Jersey I believe at an arbitrary figure of $50 a foot, or something like that. If that was incorporated in the total area on the question of the purchase price, it would bring the value down to approximately $65,000 an acre, between sixty-four and five thousand dollars per acre.

Q. Why do you put $10,000 per acre more on the yard of the New York Central than what is manifestly the selling price of the Cunard property? A. Well, there is a great difference in physical condition of those properties. One is a finished property in use, and the other is just merely shore front with a lot of obsolete encumbrances on it.

Q. Then, in your opinion, if the Cunard property was in the same physical condition as the New York Central Railroad terminal yard, it would be of about the same value per acre? A. I think it would be worth more.

Q. You think the Cunard would be worth more money? A. Yes.

Q. Take the two sales to the New York State Realty & Terminal Company and compare the properties involved in those two sales as to location with the terminal yard of the New York Central. A. As to location it is practically the same as the upper end of the New York Central yard. There is only about 1,500 feet in between the two properties, the American Cotton Oil property and one of two others, but as to physical conditions they are totally different. The—

Q. Well, what was the physical condition of the properties involved in these two sales to the New York State Realty and Terminal Company at the time of the sale? A. Just a small fringe of upland along the river road, and practically land under water, totally unimproved. I believe there was some kind of an old dock, which added nothing to the value of the property; totally unimproved, as far as physical improvement is concerned.

Q. Do you consider those two sales to be sales at market value at the time of the sales? A. I did.

Q. Well, do you now? A. I do.

Q. Why do you say that? A. Well—

Q. Why do you say that you consider them to be sales at market value at the time of the sale? A. Because there were two pieces sold side by side, and in comparison with the Shamberg sale—we have three sales there, one at practically $50,000 an acre, and then going back to this original sale of the Woodcliff I think it was practically at market value when it was made, and the difference means an increase in the value of the property at that time. Compared with the difference in the value of the Shamberg as to location and the other, I think they all show that this was a fair market value of the property. The New York Central, practically an adjoining owner, paid it. There was certainly a sale between a willing seller and a willing buyer. As to this Luckenbach sale—

Q. Just a minute. We will take that up. Will you compare the property involved in the sale of Shamberg to Luckenbach with the terminal yard of

the New York Central as to location and physical conditions of the property involved in that sale at the time of the sale? A. Oh, I think the physical conditions are practically the same. They are both mud flats. This was a mud flat—

Q. I mean, compared with the New York Central. A. Oh, compared with the New York Central; the one is a totally unimproved property, and the other is a fully improved property. The physical conditions were absolutely—

Q. And what do you say of the sale of Luckenbach, the sale to Luckenbach; was that sale at market value in your opinion at the time of the sale? A. In my opinion it was at market value at the time of the sale.

Q. Have you made an analysis of that sale? A. I have.

Q. What information have you, if any, surrounding that sale? A. Well, I have had a certified copy of the deed. I have discussed the matter with Mr. Shamberg. I negotiated with Mr. Shamberg for a while on that property, and I have seen a survey of the property. I have been over it. I know what in fact was paid. I know that Shamberg got $1,750,000 for his property with the right—which was the upland —with the right to obtain a grant which was subsequently obtained, from the State in the form of a lease for $1,250,000 and with an option within fifteen years to convert into a grant, making the total value of that property at $3,000,000. My analysis of the property shows that they paid $50,000 an acre for the upland west of the road and to the pierhead line, land under water east of the road, which was the water front property.

Q. Well, what did they pay per acre for the property that was included in the original purchase?

Mr. Stallman: I object to that question because as the witness has already testified that included the right to acquire the riparian grant.

Mr. Stout: Didn't they have to pay for that?

Mr. Stallman: Which on account of involving an additional area can't be translated into terms of the area of the upland.

Mr. Bain: You see the point is that the purchaser didn't pay a certain sum of money for a certain area of land but there was something else with it, and it was this riparian lease.

Mr. Stout: All right. If you want to be so technical we will let it go.

Mr. Bain: That isn't technical. That is the truth.

The President: The question is withdrawn, is it?

Mr. Stout: Yes. Yes. Reflect on your own record.

Q. What was the property involved in the two sales to the New York Central—the New York State Realty & Terminal Company sold for per acre? A. $65,000 per acre, average.

Q. What comparison do you make between the property involved in those two sales and the New York terminal, the yard rather, of the New York

Central Railroad? A. The difference between a totally undeveloped property physically and a developed property.

Q. So, in your opinion, the lands involved in the purchase by the Cunard Corporation and by the New York State Realty & Terminal Company, and by Luckenbach, were sales at market value at the time of the sale? A. In my opinion, yes.

Q. You did not value the slope or hill lands of the New York terminal yard? A. I did not. I didn't consider they were in use with the water front. I didn't value them, not having sufficient knowledge of the value of back land properties.

Q. You don't value shore front properties on building lot values? A. No, I don't. Had that property been on a level and could have been used in connection with the water front, I would have given it the same value.

Mr. Stout: I offer in evidence the appraisal of Thomas P. Graham of the properties of the New York Central Railroad Company here under review and ask that it be marked in evidence.

Paper above referred to received in evidence and marked S7.

Q. Referring now to the terminal yard of the Delaware, Lackawanna & Western Railroad Company here under review. Will you tell us what, in your opinion, was the fair market value of that terminal yard per acre on January 1, 1921? A. An average value of $115,000 per acre in the yard.

Q. Did you zone it for the purpose of making your valuation? A. I did not.

Q. How did you arrive at that valuation? A. By my general knowledge of water front values and also in comparison with the sales of properties to the north of it; making a general comparison as to location.

Q. In your opinion, this yard has a higher value per acre than the yard of the New York Central? A. In my opinion it has.

Q. Well, what is the basis of your opinion? A. Its size and location, the uses to which it can be put.

Q. Did you consider surroundings? A. Surroundings? That was in the location; accessibility, physical condition.

Q. Did you use any sales of shore front property in proximity to the Delaware, Lackawanna & Western in arriving at the value of that tract? A. Well, comparison with the sale of the Manor property, the property of the Ocean Steamship Company, they being the most recent sales of property in the vicinity, though not comparable in size or in adaptability. They throw some, give some light on the question of value.

Q. The sale of the Pennsylvania Railroad Company to the Delaware and Lackawanna, the sale known as the sale of the Manor tract; when was that sale made? A. In 1915 or 1916, March, 1916.

Q. And the property involved in the sale of the Ocean Steamship Company to the Delaware, Lackawanna & Western, when was that sale made? A. That was in 1915, latter part; December 29, I mean, as a matter of record.

Q. Did you, in arriving at your valuation of the D., L. & W. yard also consider the Cunard purchase, and the two purchases by the New York State Realty

& Terminal Company, and the Luckenbach purchase? A. I did. I considered all the sales.

Q. Did you, in making your analysis of sales, make a comparison between the properties involved in the two sales to the D., L. & W., one in 1915 and the other in 1916, with the properties involved in the Cunard and the two sales to the New York State Realty & Terminal Company, and the Luckenbach purchase? A. Oh, yes, I compared all the sales.

Q. Did those sales in 1915 and 1916, when compared with the sales of 1920, manifest anything to your mind as to whether there had been an increase or decrease in the value of shore front property? A. That there was an increase.

Q. How did you arrive at that? A. By the price paid in 1915; I considered these sales of the Manor and the Ocean Steamship Company practically at market value at the time they were made. I considered the sale to the Cunard Steamship Company, that is, the original sale, and the sale to the New York Terminal, State Terminal and Transit Company, that they were at market value, fair market value at the time of the sale, and considered the difference in location, and difference in physical condition; one can reach but one conclusion, that there was a marked difference in value, a rise in value in that period, 1915 and 1916 and 1921—or 1920; and the sales that were made up above.

Q. What was the condition of the property involved in these two purchases by the Delaware, Lackawanna & Western at the time the purchases were made? A. Well, there were pieces of property facing the Hudson River. Both of them had been more or less developed. The improvements on the Ocean Steamship property to my mind added nothing to its value;

the piers that were there, were there at the time. I stated that I had never made a sale, but I was one of the parties interested in negotiating this sale of the Ocean Steamship Company at that time.

By Mr. Stallman:

Q. You mean you participated in the sale? A. Yes, I was consulted, and participated in it.

Q. What property? A. In the sale of the Ocean Steamship Company to the D., L. & W.

Mr. Stout: Do you want to cross-examine now or later?

Mr. Stallman: I am trying to see what property the witness is speaking about.

The Witness: I said I was in negotiation for the sale of the Ocean Steamship Company at the time it was sold.

Mr. Stallman: To the Hudson Realty Company?

The Witness: Yes.

By Mr. Stout:

Q. How do the properties in your opinion compare as to value, the two sales to the D., L. & W. and the lands involved in the Cunard purchase? A. Why, I think it is the more valuable property. Its location is better. The means of access is better. They are entirely different properties.

Mr. Stallman: Won't you make that a little clearer? You say you think it is the more valuable property. Which one do you mean?

The Witness: I mean the Manor property and the Ocean Steamship, I think, is better than the Cunard property.

Q. In your opinion, the land involved in the two purchases by the D., L. & W., one in 1915 and the other in 1916, is better property than the land involved in the Cunard purchase in 1920? A. Yes.

Q. And the Cunard property sold at a higher rate per acre than the lands involved in these two purchases by the D., L. & W.? A. At the time it was made, yes. There is a difference of time there.

Q. What, in your opinion, has been the increase in value of shore front property between 1916 and 1920?

Mr. Bain: I want to object to the question on the ground that it is incompetent, irrelevant and immaterial. The witness has been asked to state some assumed increase in value between 1916 and 1920.

Mr. Stout: I think he shows that he has been familiar with the market and with the conditions. This Board, in making your assessments for 1921, increased them twenty-five millions, I think, over 1921.

Mr. Bain: If the State is preceding on the theory that these properties ought to be valued for assessment for this year—

The President: Pardon me, Mr. Bain. Will you please read the question, Mr. Stenographer?

Q. (Question read.) A. In this locality.

Mr. Bain: Now, if the State is proceeding on the theory that these properties should be valued for assessment for the year 1922 upon some assumed increase based upon values in 1915 or 1916, I should like to know it, and if that is not the purpose of the question—

Mr. Stout: No, that is—

Mr. Bain: And if that is not the theory, it seems to me the question is improper.

Mr. Stout: To my mind, the Board doesn't have to state its theory. We are probing the knowledge of the witness as to the value of lands and whether there has been an increase in value to show his familiarity with the subject.

The President: The objection is overruled.

Q. Now, then, Mr. Graham, will you answer the question? A. The sales show apparently about a 50 per cent increase in value.

Q. In that period? A. Yes.

Q. In arriving at your values as of January 1, 1921, you took the sales in 1920, as showing the increase in value, did you not? A. I used the sales in those years but of course the sales in 1920 were a part of them.

Q. In— A. I just want to state that behind in that memorandum that you gentlemen have there are two small areas of 3.240 and 3.728 that is left out in the main stem in the yard, but I have put the same value on it. I didn't discover that until looking over the papers late Saturday afternoon.

Mr. Bain: Lackawanna?

The Witness: Lackawanna. I believe that is main stem in the yard, but I would give it the same unit of value as I would—

Mr. Bain: The unit for that is 115,000?

The Witness: Yes.

Q. Did you consider the sale to the International Elevating Company in 1916 at Exchange Place, Jersey City, in arriving at your value of the terminal yard of the Delaware, Lackawanna & Western? A. Of course, I knew of that sale and I considered it.

Q. Below Exchange Place? A. Between Morris and Essex Street.

Q. Yes. In your opinion, was that a sale at market value at the time of the sale? A. It was; in my opinion.

Q. And what was the rate per acre as manifested by the sale? A. Approximately $70,000 an acre.

Q. What in your opinion was that property worth on January 1, 1921?

Mr. Bain: The question is objected to on the ground that it is entirely incompetent, immaterial and improper. The question now relates to a purchase of property not at all involved in review.

Mr. Stout: I will withdraw it.

Q. Mr. Graham, what in your opinion was the fair market value of the lands of the Delaware, Lackawanna & Western Railroad Company known as the Manor property, at the foot of Eleventh Street, Hoboken, as of January 1, 1921? A. $80,000 an acre.

Q. And what in your opinion was the fair market value of the property involved in the Ocean Steamship Company property as of January 1, 1921? A. $87,000 an acre.

Q. Why do you make a distinction in value of these adjoining properties? A. Difference in area, frontage, access; I don't think it is worth within that much difference. It isn't as good a piece of property as the Ocean Steamship Company, which faces on Hudson Street, and has much less area and better access. If I was valuing those two properties together, why I would probably not make that difference, I would probably make it a little smaller value, but I was asked to value them separately, so I put this property—in my opinion it is worth about $85,000 by itself.

Q. In other words, your average valuation would be your total valuation divided by the total area? A. Yes.

Mr. Stallman: Are you sure of that?

Mr. Stout: I don't know. I am only asking him.

Mr. Stallman: You didn't ask him. You told him so.

Mr. Stout: I asked him if it was.

Q. Mr. Graham, what valuation did you place as of January 1, 1921, on the property of the D., L. & W. known as the upper ferry basin, south side of upper ferry, Hoboken? A. $110,000.

Q. $110,000 per acre? A. Yes.

Q. How did you arrive at that valuation? A. Why, I thought it was worth about two dollars and a half a square foot in comparison with the part of the ferry property, that is the value I put on that and it is a slip

immediately adjoining it; it is really a part of the ferry property.

Q. Did you consider the acquisition by the United States Government of lands from the Hamburg-American in 1919? A. I did not. I would not consider that as a sale at market value. It was a forced sale; forced acquisition, didn't represent its true value, price paid by the Government.

Q. And did you also consider the acquisition by the United States Government of property of the North German Lloyd? A. For the same reason.

Q. You mean you considered it and then disregarded it? A. I considered it and then disregarded it.

Q. Because it was what? A. Wasn't at the fair market value, in my opinion. It was a forced sale.

Mr. Stout: I now offer in evidence the appraisal of Thomas P. Graham of the lands of the Delaware, Lackawanna & Western Railroad Company here under review.

Paper above referred to received in evidence and marked S8.

Mr. Stallman: That should be received subject to our objection as to his competency to testify as that particular property, although I understand it to be the resume of his testimony.

Q. Did you make an appraisal of the lands of the Erie Railroad Company here under review? A. I did.

Q. And what, in your opinion, was the fair market value of those lands as of January 1, 1921? A. I

grouped all the lands in the terminal yard and main stem at $110,000 an acre.

Q. In other words, you put an average— A. Value.

Q. —value upon the whole tract? A. I did.

Q. Did you zone it for the purpose of arriving at your valuation? A. I did not.

Q. Tell us how you arrived at that valuation? A. By comparison with sales and other properties, and my knowledge of water front values.

Q. In your opinion, how does this property compare with that of the D., L. & W.? A. I don't think it is quite as good property, and the difference is shown in the difference I make of $5,000 an acre.

Q. Well, will you point out the advantages that the D., L. & W. has over the Erie Railroad yard? A. I think the D., L. & W. yard is better than the Erie for the very reason that it is, think—its location is better, it has a ferry there at the foot of Ferry Street, its surroundings are better, its access is a little better. It isn't divided up the way the Erie is. The Erie is divided practically in two by Pavonia Avenue and connected by the—to its water front. While it has an advantage it also has a disadvantage, in my opinion; the property cannot be as intensively used as the Delaware, Lackawanna & Western. For that reason I made that difference in value.

Q. And the main stem in the yard of the Erie, you value at the same value per acre as the remaining portions of the yard? A. Yes.

Q. And after arriving at your valuation per acre, you applied that average valuation per acre to the various tracts as assessed by the State Board? A.

Yes. I put the same value in the terminal yard as I did the main stem outside of the terminal yard.

Mr. Stout: I offer in evidence the appraisal of Thomas P. Graham with respect to the lands of the Erie Railroad Company here under consideration.

Mr. Bain: I assume that will be received subject to the objection made as to Mr. Graham's competency to testify as to the value of this property.

Paper above referred to received in evidence and marked S9.

Q. You have made an appraisal of the Pennsylvania Railroad yards here under consideration? A. I have.

Q. What in your opinion was the fair market value of the Harsimus yard of the Pennsylvania Railroad Company as of January 1, 1921? A. $110,000 an acre.

Q. You place an average valuation upon the Harsimus yard? A. An average valuation of $110,000 an acre.

Q. How did you arrive at that valuation? A. By general comparison, taking all the sales, and comparing it with the other railroad yards. I think it has practically the same value as the Erie yard.

Q. What in your opinion was the fair market value of the main yard of the Pennsylvania Railroad Company on January 1, 1921? A. $120,000 an acre.

Q. Why do you put a higher valuation upon the main yard than you do on the Harsimus yard of the Pennsylvania Railroad Company? A. Well, it has a

larger proportion of water front, and it has a ferry, and it has a better—it is a little better located, more intensive, it may be used more intensively than the Harsimus yard. It is a separated yard, separated from the Harsimus yard by Morgan Avenue, and as an individual unit it could be used. In my opinion it has a difference of $10,000 an acre in valuation.

Q. In your opinion, has there been an increase in value of the property in that location between 1916 and January 1, 1921?

Mr. Bain: Objected to on the ground it is incompetent, irrelevant and immaterial.

The President: Overruled.

Q. Has there been? A. There has.

Q. What in your opinion has been the increase?

Mr. Bain: I make the same objection.

A. About 50 per cent from 1916 down.

Q. Which, in your opinion, is the more valuable property, the property involved in the International Elevating Company purchase, or the main yard of the Pennsylvania? A. I think the main yard of the Pennsylvania is the more valuable property. It is susceptible to much greater development and use.

Q. You have made an appraisal of the property of the Pennsylvania Railroad Company know as the Hoboken shops land at Castle Point, on the Hudson River? A. I have.

Q. And what in your opinion was the fair market value of that land on January 1, 1921? A. $75,000 an acre.

Q. What comparisons, if any, did you make in arriving at that valuation? A. I compared

it with two properties, the Manor property and the Ocean Steamship, and I don't think it is as good as either of them.

Q. Now, will you refer to the property of the Pennsylvania Railroad Company known as the Greenville yard, and tell us whether you have made an appraisal of that property? A. I have.

Q. As of January 1, 1921? A. I have.

Q. What in your opinion was the fair market value on that date? A. $25,000 an acre.

Q. What sales, if any, did you use in arriving at the value of the Greenville yard of the Pennsylvania? A. Well, of course, I considered all sales, but I considered the sale of the Lehigh Valley Railroad property at Constable Hook, the Andrus property; comparing the two properties with the same physical condition, I am of the opinion that the Constable Hook properties are more valuable.

Q. What is the source of your information as to the facts surrounding the sale of the Andrus property? A. I was the broker that made the sale.

Q. What was the condition of the Andrus property at the time of the sale, physical condition? A. Filled land and land under water.

Q. How did it compare in physical condition with the lands of the Pennsylvania Railroad Company known as the Greenville yard? A. It wasn't as highly developed. Of course it is a much smaller piece of property. The Pennsylvania Greenville yards have approximately 2,000 feet on the bulkhead line and run back six or seven thousand feet; much more larger, more intensive property, but it is further away from the natural channel. The other property is

smaller, connected by an artificial channel, but as to location it is closer to the main channel, that is, the Andrus property.

Q. What comparison is there between these two properties as to access from the shore front?

Mr. Bain: Comparing the Pennsylvania Greenville yard with the Andrus property?

Mr. Stout: Yes.

A. Why, they both are quite a distance away from centers; as far as the approach from the upland I don't know that.

Mr. Bain: Wasn't your question as to approach by water?

Mr. Stout: Yes.

A. Well, I stated before that the Andrus property was closer to the natural channel, both properties being connected with the main channel by an artificial channel. The Andrus property has a 35-foot channel while the Pennsylvania Railroad channel is 18 to 20 feet, and it is further to the main channel than the Andrus property.

Q. What was the selling price per acre of the Andrus property? A. $25,000, for the bare land.

Q. Did you consider that to be a sale at market value at the time of the sale? A. I do. And when I say sale I mean a contract of sale in which the purchase price was fixed.

Mr. Bain: And a contract of sale in which the title might not pass until 1930?

The Witness: And which is an option any time before 1930.

Mr. Bain: But the purchaser has until 1930.

The Witness: The reason I think it was a sale is that Mr. Andrus paid me a commission of five per cent for selling that property.

Mr. Bain: I am only asking you to state the fact, Mr. Graham. That was a contract to purchase under which title might not pass until 1930.

The Witness: There is an option in the contract that can be exercised by the seller giving ninety days' notice at any time within the next ten years.

Q. What was the selling price per acre—

Mr. Jess: Let me ask one question there. Do you consider then, Mr. Graham, that the price fixed in that was a price of the date of the sale or—

The Witness: The date of the sale, yes. The deed has actually been delivered in escrow, held in—

Mr. Jess: You don't think that they were discounting the future at all?

The Witness: No. The only reason—the purchaser would be very willing to pay the purchase price, but the seller for reasons of his own preferred to have it in the form of a lease by paying six per cent interest on the amount involved in the purchase. And he has a ninety-day call on the money any time he wants it. It isn't a purchaser's option, it is the seller's option. The price was fixed and can't be changed.

Mr. Bain: That is, the purchaser might be called upon to pay the price under the option at any time

within ninety days but the purchaser hasn't actually deposited the price or paid the price?

The Witness: No.

Mr. Bain: And might not do so until 1930?

The Witness: That is at the option of the seller.

Mr. Bain: And if anything happens to the purchaser so that he is unable to pay the purchase price by 1930, the contract would fall, wouldn't it?

The Witness: Yes, but it happens to be the Standard Oil Company of New Jersey, and I don't think there is anything going to happen in the next ten years to prevent them producing a million and a quarter to pay that purchase price.

Q. You say that the purchaser was willing to pay the amount expressed in the contract at the time of the sale?

Mr. Bain: I object to that. What the purchaser was willing to do has been merged in this contract. I don't want this witness to state what the contracting parties were willing to do when the contract was in writing.

The Witness: But, b?

The Witness: Mr. Bain, I have seen the contract.

Mr. Bain: I know all about the contract. All I want is the truth as to the contract, not what the purchaser was willing to do.

Mr. Jess: Well, I suppose the question expresses that idea, doesn't it, when you asked the question what was the parties willing to do under the contract?

Mr. Stout: Yes.

Mr. Jess: As expressed in the contract.

Mr. Stout: Yes.

Mr. Jess: Then it is allowed.

Q. And you say under that contract—

Mr. Wall: I object to that. I don't think psychoanalysis ought to play any part in—

Mr. Jess: I don't either, if that is what you mean.

Mr. Wall: If he is going to testify what was in that contract with the idea of showing the real attitude of the parties, he ought to have the contract here. It is perfectly obtainable, it was known to them before, and it does seem to me that the witness oughtn't to be permitted to put his gloss or belief or mistaken notion or construction or anything else on the vital things that the parties said.

Mr. Stout: All right, sir.

Q. In your opinion, was $25,000 per acre the true market value of the property at the time that contract was made? A. Under the conditions which it was made—it was sold subject to a lease that had 29 years to run, the lease to the Lehigh Valley Railroad; if the property had been able to have been given without any lease I think it was below market value.

Mr. Bain: Now, Mr. Jess, you can see how these things are not clearly stated. This witness knows that contract, he has testified that he has seen a copy of it, and he knows that that contract provided that the purchaser was to ac-

quire that lease, and that when acquired that the lease was to be cancelled, and that the purchaser acquired the lease and that the lease was cancelled.

The Witness: It also meant that additional value was to be paid for that lease.

Mr. Bain: Now, the witness didn't state anything at all about that until I called his attention to it. It shows how impossible it is to get all the facts in a matter of this sort unless you have the written document and unless you get testimony as to the facts I submit this piecemeal testimony, giving only a portion of what happened, is neither enlightening nor profitable.

Q. Mr. Graham, did you consider the purchases by the Lehigh Valley Harbor Terminal Company which were made in 1916, of lands adjacent to the Greenville yard of the Pennsylvania Railroad Company in arriving at the value of that yard? A. Yes. I knew the sale of the Livermoore-Blair tract and the Morris and Cummings tract and the price at which they were sold, about an average price of $7,500 per acre, and I considered there was an increase of practically in that class of property at that time between those dates of practically from 75 to a 100%.

Mr. Bain: Between what years?

The Witness: 1915 and 1916 down.

A. (Continuing.) And that the difference in the physical condition, state of development, is practically the difference between the value of those yards and the value I put on the Greenville yard of the Pennsylvania Railroad.

Q. In other words, you think that the Pennsylvania Greenville yard as to physical condition is about $10,000 more valuabe per acre than the lands involved in the property acquired by the Lehigh Valley Harbor Terminal Railroad Company? A. Yes, that is about it.

Q. What do you know about the sale or tract involved in the purchase of the Lehigh Valley Harbor Terminal Railway Company known as the Blair tract, or the Livermore-Blair tract? A. I know that was purchased from the Shaw estate, who acquired it under foreclosure of a mortgage.

Q. Well, as you have obtained the facts and information about that sale, in your opinion was it a sale at market value at the time of— A. No, I didn't think it was a sale at market value because the adjoining property sold for a larger price at that time, practically in the same physical condition and practically the same location; one sold for about fifty-seven or $5,800 an acre and the other about $9,000. I think possibly that the average valuation of the two would be more nearly fair market value at that time, but I think the Livermoore-Blair tract was below market value at the time of the sale, because the seller was not acquainted with the market conditions.

Q. Did you consider the sale of the Lehigh Valley Railroad to the Standard Oil Company in 1919 in arriving at your valuation of the Pennsylvania— A. I did.

Q. And the property involved in that sale of the United Real Estate Company to the Standard Oil Company was at about what rate per acre? A. About $19,000 an acre, I believe, the average. But that was land almost entirely under water, adjoining the Andrus property.

Q. Did you consider that to be a sale at market value at the time of the sale? A. I did.

Q. How does that property compare with the Greenville yard of the Pennsylvania Railroad Company? A. It is a much smaller property and it wasn't in the same physical condition of development as the Pennsylvania.

Q. How far south is the land involved in the sale of the United Real Estate Company to the Standard Oil from the Pennsylvania Greenville yard? A. Oh, I should think half a mile.

Q. About half a mile south? A. (Witness refers to map.)

Mr. Bain: Oh, Mr. Graham, it is nearer a mile, isn't it?

A. Yes; it is about a mile.

Q. How does the development back of the Greenville yard of the Pennsylvania Railroad Company compare with the development back of the land involved in the purchase by the Standard Oil? A. Well, the Standard Oil property is at Constable Hook and backs up against the general plant of the Standard Oil Company, while this Greenville yard backs up against that part of Jersey City.

Q. How does the depth of water in front of these tracts compare? A. That is, the Standard Oil property and the Greenville yard of the Pennsylvania?

Mr. Bain: Referring now to the property the Standard Oil purchased from Andrus?

Mr. Stout: No, from the Lehigh Valley.

A. Well, it isn't so very much different from the Standard Oil purchase.

Q. What? A. There isn't very much difference unless they connect with the Andrus channel outside the pierhead line. I have stated before that they both have channels, artificial channels.

Q. In arriving at your valuation of the Pennsylvania Railroad Company's Greenville yard, did you consider the sales at Port Johnson of the Central Railroad Company of New Jersey to the Tide Water Oil Company? A. Why, I knew that sale. I didn't consider that as comparable as the Constable Hook properties and as the Livermoore and Blair, and the Morris and Cummings.

Mr. Stout: I offer in evidence the appraisal of Thomas P. Graham as to the properties of the Pennsylvania Railroad Company here under review.

Mr. Bain: I suppose that will be received subject to the objection that was made as to the competency of Mr. Graham to testify as to the value of this property.

Mr. Jess: It will be received and marked subject to the objection of counsel.

Paper above referred to received in evidence and marked P10.

A recess was here taken until 2 P. M.

After recess.

THOMAS P. GRAHAM resumes the stand.

Direct-examination continued by Mr. Stout:

Q. Mr. Graham, we will now take up the properties of the Lehigh Valley. What in your opinion was the fair market value of the property of the Lehigh Valley Railroad Company known as 45c, in Block 2145? A. $65,000 an acre.

Q. That comprehends the tract consisting of 25.673 acres and 10.10. A. And 10.10; and tract 5.941 and tract 2.443.

Q. You value that all at $65,000 an acre? A. Yes.

Q. How did you arrive at that valuation? A. By comparison with the sales, with other properties, other properties of the railroads. This is property that faces on the deep water channel. It is in a different ownership than the property that faces on the Hudson River and I made a difference in value; tide water basin property.

Mr. Bain: Is that the 25.673-acre parcel you are speaking of now that fronts on deep water?

The Witness: No, that faces on the channel.

Mr. Bain: Let me call your attention to the 25.673 acres that runs from Washington Street to 160 feet west of Van Vorst Street, extending westerly.

The Witness: That doesn't face on the water?

Mr. Bain: No. I don't know whether you examined—

The Witness: If it doesn't face on the water then I didn't appraise it.

Q. In other words, you appraised, did you not, this tract known as 45c, in Block 2145, and also the tract consisting of 25.673 acres—

Mr. Bain: That is 45c, isn't it? The 25.673 acres, according to your schedule, is 45c, in Block 2145.

Mr. Stout: Well, they are both of them in that.

Mr. Bain: Which one are you now referring to?

The Witness: The one immediately back of the tide water basin.

Mr. Jess: Is that a correct designation there, Mr. Bain, two lots 45c, in the same block, Block 2145?

Mr. Bain: That is what I am confused about.

The Witness: That is what my memorandum shows, 45c, for both.

Mr. Stout: Well, the description there shows that they are in the same block, that he has divided the land.

The Witness: Yes.

Q. Well, aren't those the two tracts you have on your map? A. Yes; facing on the channel. If this one faces on the channel then I give it the same value; if these docks and so forth are on it.

Q. That is, you put them in at $65,000? A. Yes.

Q. In other words, the tract consisting of 10.100 and 25.73? A. Yes.

Q. And what valuation did you put upon the property known as 38a and 45a, in Block 2145? A. 30.534 acres, excluding the channel, on which I put no value at all because it is an open water way, $87,000 an acre.

Mr. Bain: You valued it at the rate of $87,000 an acre, excluding the area of the channel?

The Witness: Yes, excluding the area of the channel.

Q. And you put the same valuation on the main stem— A. In both.

Q. —which runs through— A. Both of those plots.

Q. —these tracts which you have appraised at $65,000 and $87,000 per acre, respectively? A. Yes.

Q. Why do you put a valuation of $65,000 on the land—what is that, is that west of Washington Street? A. No, west of this point here (indicating on map); west of Washington Street, yes if Washington Street was prolonged.

Q. Yes, if Washington Street was prolonged. You put a valuation on the land west of it at $65,000 per acre? A. Yes.

Q. And the land east of it at $87,000 per acre?

Mr. Bain: Washington Street being the dividing line.

Mr. Stout: Yes.

A. Well, because the property lying east of Washington Street is in a different ownership and faces on the Hudson River, on the Tide Water basin and Hudson River; the other merely has a frontage on the deep water channel.

Mr. Stallman: May I interrupt to ask, Mr. Graham, whether these figures that you have used are merely converting terms of a dollar and a half a square foot and two dollars a square foot into acreage?

The Witness: Yes. That is all the property that I have appraised of the Lehigh Valley Railroad.

Q. Just a minute. Didn't you appraise— A. Oh, yes.

Q. National Storage Company? A. Oh, yes.

Q. Well, what valuation did you put on that as of January 1, 1921? A. $30,000 per acre.

Q. How did you arrive at that valuation? A. By comparison with the values of the Greenville terminal and the sales of the property to the south of it.

Q. Do you consider this as good a property as the property of the Greenville yard of the Pennsylvania? A. I think it is a little better, in my opinion. I put $25,000 on the Greenville yards and $30,000 on this.

Mr. Stout: I offer in evidence Mr. Graham's appraisal of the lands of the Lehigh Valley Railroad Company which he has here testified to.

Mr. Bain: I assume that will be received subject to the objection to Mr. Graham's competency to testify to the value of this property.

Mr. Jess: It may be received and marked.

Paper above referred to received in evidence and marked P11.

Q. Mr. Graham, referring to the properties of the Central Railroad Company here under

review, will you tell us what in your opinion was the fair market value of the Central Railroad Company consisting of 28.718 acres and 24.613 acres, and 97.063 acres? A. $65,000, I put an average value of $65,000 an acre on the terminal yards of the Central Railroad of New Jersey.

Q. And did you put— A. And the same price on the main stem in the yard.

Q. Did you put the same average acreage valuation upon the main stem which in included in the terminal tract of the Central Railroad? A. I did.

Q. How did you arrive at your valuation of $65,000 per acre? A. By comparison with the sales of water front. I considered that there was a division in values commencing with deep water, just north of the Tide Water Basin and going around toward the bay. This property commences to take part of the valuation as you go along New York Bay: and the property is not as well located as to access from land and it has a very much greater depth than the other properties. This property has practically between 5,500 and 6,000 feet depth, running back, and by comparison with the other properties. The location and the sales of the property along New York Bay has more influence on this property than it has on the property to the north of it on the Hudson River, although this property has frontage on the Hudson River right at Communipaw Point, but it is separated from Jersey City by this deep water channel, and its access is not as good. As a railroad yard it might be just as good, but for general water front purposes I wouldn't consider that it was worth as much as the other properties.

Q. What valuation did you place on the tract consisting of 71.300 acres, known as Lot 48d in Block 2145? A. That I put at $43,500 per acre; practically a dollar a square foot.

Q. In your opinion that land is not as valuable as the terminal tract of the Central Railroad? A. Why, no, it is in behind Ellis Island, and while it might be a part of the yard but it isn't used as the other is and I didn't consider its water access as good as the other, and for that reason I made the difference.

Q. And what valuation did you place on the tract consisting of 84.724 acres, known as Lot 22g, in Block 2154? A. $35,000 per acre. That is directly behind Ellis Island

Q. So by reason of location—

Mr. Bain: What property is that? Pier 18?

Mr. Stout: No.

The Witness: Pier 14, I guess; Piers 12, 13 and 14.

Mr. Stout: No, no. This is the one you are talking about now (indicating).

The Witness: Yes.

Q. And your valuation of that is $35,000 per acre? A. Yes.

Q. And what in your opinion is the value of the property to the south, consisting of 96.049 acres, known as part of Lot 22j, in Block 2154? A. $35,000 per acre. I gave that the same value. It has a channel out in front. It is to the south of the island and has a direct channel access.

Q. And what valuation did you place upon the property of the Central Railroad Company, at Port Johnston? A. Thirty—

Q. Just a minute. As of January 1, 1921? A. For 2,000 feet back of the pierhead line I put $30,000 an acre on it.

Q. Why didn't you value all of that tract? A. Because this is the only property, that is the only—my memoranda says that is the property to be valued.

Q. I see; that is the only property that was to be valued? A. Yes; that is the way it is divided by the State Board.

Q. When you put that valuation on it, did you consider the sales of the property of the Central Railroad to the Tide Water Oil Company? A. I did.

Q. Consider any other sales? A. I considered all the sales in Bayonne; considered also the option price which I had on the property to the south of it.

Q. What was that?

Mr. Bain: I object to that on the ground that it is incompetent, irrelevant and immaterial. An option price that hasn't been accepted in any way is certainly of no importance for determining values. A man might say he would sell a property for a hundred thousand dollars and it might be worth twenty-five. Nobody would pay him a hundred thousand dollars or take his option.

Mr. Jess: I think that is permissible.

Mr. Bain: Not an option actually given. You understand this is not an exercised option; merely that this man thinks that an option can be obtained—

The Witness: Oh, no. There was an option obtained and $25,000 was paid for it.

Mr. Jess: The question is allowed.

A. $30,000 an acre.

Mr. Stout: Take the witness.

Mr. Jess: Have you offered that, Mr. Stout?

Mr. Stout: Oh, I offer in evidence the appraisal of Thomas P. Graham as to the property of the Central Railroad Company here under consideration.

Mr. Bain: I assume that will be admitted subject to the objection heretofore made.

Paper above referred to received in evidence and marked S12.

CROSS-EXAMINATION by Mr. Stallman:

Q. Mr. Graham, I have noticed that you valued the Lackawanna Terminal yard at a higher value than the Erie yard adjoining it on the south, and I understood you to say that you gave a higher value on the Lackawanna yard because it had a larger area and better shape for development, with more frontage along the river, and greater depth? A. That is my opinion, yes.

Q. Well, where you have properties that are situated as these two properties are and both used—they are both available for the same purposes, oughtn't the unit value be the same? A. No, not necessarily, when you are of the opinion they have different potentialities.

Q. Well, do you think it is a real potentiality just because the one yard has more frontage along the river and more depth? A. No, one of the reasons I gave is that the Erie yard is split in two by Pavonia Avenue on the upland.

Q. Well, doesn't that come back to the same thing, that you put a higher value upon the Lackawanna yard because it is bigger in one congregated unit? A. Yes, and it seems to me it is a little better located. By itself more could be done with it; be better developed.

Q. Well, that is because it is continuous in its dimensions? A. Yes. Yes.

Q. Now, you say that you value this yard of the Lackawanna Railroad at an average value of I think it was $115,000 an acre? A. Yes.

Q. And what were the elements that led to that average? A. I didn't put any separate unit on any of it because it seemed to me it was all one piece of property and every foot of it bears a relative proportion of value to the other. This property could be developed by long piers—

Q. Now, don't get off of my question, Mr. Graham. You stated as to each of these yards that you put an average value on them. What do you mean by the word "average"? A. Well, probably that was—I didn't quite intend that as an average value. My idea was that every square foot of this property had the same value; it run from the first cross street to the pierhead line, it was a unit, and each property, each piece of property, each foot was a necessary part of the whole, and that all had the same value.

Q. And your idea is that 100 square feet or a thousand square feet at the pierhead line is the same value at 100 square feet or a thousand square feet on Henderson Street? A. Not separated from the water front; not separated, it is all connected with the water front; it is a unit. I don't know what a hundred feet

on Henderson Street would be worth because I am not familiar with local values there.

Q. You are not familiar with local values, where? A. On Henderson Street, on the west side of Henderson Street.

Q. How about the east side of Henderson Street? A. I am not familiar with that. I take the value from the water front.

Q. And— A. By comparison with other water front properties.

Q. Well, then, as I understand you, as long as this property is owned by the railroad company and used for its purpose, 100 square feet down to the pierhead line is of the same value, foot for foot, as property in the yard, on Henderson Street? A. As a part of the whole, not separate.

Q. The same value, foot for foot? A. Yes, as a part of the whole.

Q. Now, what you have done then is to ascertain the value of the immediate water front in the method that you have described, and you have projected that value back as far as the yard will go? A. Yes.

Q. And— A. Because it is all water front; it can be developed in connection with the water front; adds to the value of it.

Q. If the railroad company should obtain the vacation of Henderson Street, you would then project that same value back to Grove Street, would you? A. Not necessarily.

Q. Well, wouldn't it all still be water front in your estimation, or your judgment? A. Yes, it would then have a water front value.

Q. You would then project that value back to Grove Street? A. I might not project the same value; I might give a different value.

Q. Why not? Why stop at Henderson Street, or why go to Henderson Street? A. I am dealing with an actuality, not a potentiality. I am dealing—I valued this property as I found it.

Q. So you don't know of any property that sold at $115,000 an acre? A. In Jersey City?

Q. Yes. A. No.

Q. Water front property? A. No, because there hasn't been any for sale.

Q. Therefore, your estimate is made up or your appraisal is made up on certain theories? A. Yes.

Q. Now, using those theories, would you continue to apply them if the railroad company should also secure the vacation of Grove Street and extend its yard back to Jersey Avenue? A. I don't know. I haven't studied that situation. I am dealing with an actual condition here, not—

Q. Without referring to the map, can you say how far it is from the pierhead line to Henderson Street in the Lackawanna yard? Without referring to the map? A. About 3,500 feet, I think.

Q. Yes. A. To my mind; something about that.

Q. Does the fact that it is 3,500 feet make any difference—has it any significance at all in your judgment? A. Well, the development shows here clearly that the railroads themselves have a channel back 2,500 feet or nearly 3,000 feet in this one yard; it is used as a water front property as far back as that.

Q. That is, on the north side? A. That is on the north side. And there is no reason why they

couldn't use it on the south side, if their demand was—

Q. You mean they could build a canal on the south side? A. Yes.

Q. Then, if the railroad company should extend its canal two blocks further north on the theory that you have employed in making these valuations, you would extend the water front values back the same distance? A. I can give you the same answer I gave before. I am dealing with a proposition here that is an actual condition, and I haven't been asked to consider anything beyond Henderson Street, but this property as it actually existed.

Q. Yes, but you see, Mr. Graham, you have no sales of this amount, and you are using a theory to arrive at your appraisal, and I am asking you now to apply your theory to an extension of the yard. A. Well, I would have to give a great deal of thought to change of conditions, which I am not able to do sitting here on the stand; I wouldn't care to.

Q. Well, let me ask you this: You say that you are not familiar with local values in the neighborhood of Henderson Street? A. Only in a general way.

Q. Does it have any affect on your judgment as to the value of that yard, or any part of that yard, that the railroad company has at or about the date as of which this assessment is made, acquired lots in that immediate neighborhood from 85 cents to a dollar and a quarter a square foot? A. No, because whatever value is there is merged in the yard and takes the additional value because it a part of the yard; just the same as if I bought a piece of property on Broadway,

New York, and added a piece directly behind it; the piece behind it would take the value of the Broadway value after I had connected them up.

Q. Is it your judgment and the theory upon which you have made this assessment that if the Lackawanna Railroad Company should pay $10,000 for an additional area to be added to its yard, that it should be assessed for the purpose of taxation at the figure that you have given? A. I would hesitate to tell the State Board what they should assess it. I am telling you what my opinion is as to the value of this property up here. What the State Board would do, how they would tax it, is beyond my province.

Q. I will change the question. If the Lackawanna Railroad Company should purchase a certain area for addition to its yard at $10,000, would you appraise it as market value at the value that you have given in this proceeding? A. I would appraise it—if it was a part of the yard, I would give it the same unit value, connected with the water front.

Q. So that your judgment of its value would not be influenced by the purchase price? A. Under those circumstances.

Q. Yes. A. Any more than if they had paid $40,000 for it, an extraordinarily high price, I wouldn't consider then that it added that much to the value of the yard. I would put it at the same unit.

Q. Now, you say you are familiar with the purchases by the Hudson Realty Company, the Lackawanna system, of the Manor and Ocean tracts? A. Yes. When that property—

Q. Well, I just asked you; you know the property? A. I do.

Q. And the time the purchases were made, and so forth? A. Yes.

Q. Do you know, without referring to your memorandum, what was paid for those properties per acre? A. Do you want me to carry it in my mind? 10

Q. I am asking you— A. I would have to refresh my memory. I would much rather refer to the record. It would be fairer.

Q. I am just asking you— A. Yes, I knew, I knew at the time the sale was made what it was sold for. Nine hundred and thirty or forty thousand was paid for the Ocean Steamship and practically the same price per square foot was paid for the adjoining properties of the Manor to the south. 20

Q. You said, I think, that these properties have increased in value about 50 per cent in the last five years, prior to the date of this assessment? A. I think I did say so.

Q. You did say that? A. My recollection is I did, yes.

Q. And have the values that you have given us, or are the values that you have given us the result of adding 50 per cent to the cost of those properties? 30 A. That is purely a mathematical calculation. I said they sold for practically $1.35 a square foot. I don't think that the Manor property was of equal value as the Ocean Steamship property, and you add 50 per cent to it and you will get pretty nearly my figures, although I would take a smaller unit on the properties purchased from the Manor Company.

40

Q. I mean did you fix the valuation, your present valuation on those properties by adding 50 per cent to their cost to get the valuation— A. Well, practically; practically. If I added 50 per cent of the cost of the Manor property, I think I would get—that is just about the same.

Q. I say is that the way you got at it? A. Yes, my opinion is that the value would be 50 per cent—

Q. Do you think that those properties were bought at market value? A. Yes, I think the Ocean Steamship property was bought at market value and I think the other was bought a little above market value.

Q. In determining— A. Practically market value; both of them.

Q. What is that? A. Practically market value; both of them.

Q. And when you say those properties were bought at market value, what do you compare them with or contrast them with? A. Why, the market value is a willing buyer and a willing seller. Unquestionably, the Ocean Steamship Company were willing to sell it, and unquestionably the Delaware, Lackawanna & Western was willing to buy.

Q. Yes, but you don't get my question. You say that that price at which the Railroad purchased the Ocean tract was at market value. What leads you to that conclusion that that was at market value? What was the market value at that time? A. Market value is made by the buyer and the seller. They were both able and willing to buy and sell, and they did—

Q. Oh; then you mean that that sale established the market? A. You may put it either way you please.

Q. I want to know from you. Was there a market before that, was there a market existing at that time with which you could compare the price of this sale, or did this sale establish the market price? A. Well, I think the selling price was arrived at—I was asked at the time of that sale—

Q. That isn't the point. I don't want you to misunderstand me. A. I have got to answer your question in my own way. I can't answer it in your way, because I was consulted in regard to the sale of that property.

Q. By whom? A. By the Ocean Steamship Company, for the man representing the Ocean Steamship Company.

Q. Yes. A. And they asked me what they thought —I was asked what I thought the value of this property was.

Q. Yes. What did you tell them? A. Practically what it was sold for.

Q. And do you know what that was? A. Nine hundred and thirty or forty thousand dollars.

Q. Do you know how much that is per acre? A. I can't tell you off-hand without looking—

Q. All right. Now, you say that that was a sale at market price? A. Because—

Q. What was the market price at that time for that class of property in that location? A. What they sold it for. There had been no recent sales in that neighborhood.

Q. Then, why do you say that that sale was at market price? Because the price established that market price? A. No, because the owners were willing to sell it and the purchasers were willing to buy

it, the seller not being compelled to sell and the purchaser not being compelled to buy.

Q. All right. Now, the day before this sale was made, was there a market value for property in that neighborhood? A. Not established by sales. There had been none there. But by comparison with other water fronts around the harbor, why you could arrive at a fairly comparable comparison.

Q. Was there a market value the day before that Ocean property was bought, based upon any sales of New Jersey water front? A. None that I could quote. There had been—there were no sales there.

Q. And then as I understand you the Ocean Steamship transaction established a market? A. You can put it that way, if you please; I won't—

Q. Where none had existed before, is that right? A. I will say it was a sale by a willing seller to a willing purchaser. Now, you can put it any way you please, whether it established a market price, but that was the conditions.

Mr. Jess: Mr. Stallman, may I suggest that you ask Mr. Graham, I would like to get his view on that—you see he says he gave this price to this client, the Ocean Steamship Company; now I wonder what that price was based upon, Mr. Graham?

Mr. Stallman: That was what I was trying to get at, Mr. Jess.

The Witness: It was based upon my general knowledge of water front properties having similar potentialities around New York Harbor. I understand I am barred here from quoting any sales on the New York side or the South Brooklyn side, or anywhere,

but that doesn't at all prohibit me from using my knowledge all around the harbor.

Q. That was all I was trying to get at, Mr. Graham was whether— A. That was my opinion, practically what it was sold for, what I practically told them the property was worth.

Q. One thing I was trying to get at was whether before that sale was made, a day or a week before hand, there was a recognized market price, or whether the fact of this sale established a market price where one had not definitely existed before? A. Well, I can only answer you by—there were no sales there at that time. This sale made a market price, there, if you want to put it that way.

Q. All right. Then, as I understand you, if that property had sold for we will say $75,000 an acre, that price then would have established the market for that kind of land at that place? A. Oh, it might and it might not.

Q. Now, do you think that the—the Manor tract was bought later—do you think— A. A few months later.

Q. Three months later? A. A few months later.

Q. Yes. Do you think that that was at market price? A. Well, I don't think it is quite as good a property as the Ocean Steamship.

Q. That isn't the question. I asked you whether you think that was at market price. A. Well, I understood it was sold at exactly the same price.

Q. It was sold for exactly the same price? A. Yes; practically the same price.

Q. Now, do you think it was sold at market value? A. Practically, yes.

Q. Well, by practically, what is your meaning of the— A. I made a difference in appraising that property of $7,000. Do you want to know why I did?

Q. No, I am asking you whether you think that the Lackawanna Railroad Company paid the Pennsylvania Railroad Company the market value of the land? A. They paid what was established by the sale next door. I don't know whether—it is a question of whether that determined the price or not. I had nothing to do with negotiations.

Q. But assuming they paid the same price, you would consider then that they paid the price established by the previous sales? A. That is what they got evidently.

Q. Yes. Don't you know, Mr. Graham, that the Lackawanna Railroad Company paid $5,000 an acre less for the Ocean than they paid for the Manor? A. No, I don't. If they did, they paid it—then there was a question of hold-up value there.

Q. Then, you think that the Manor was more of a hold-up value? A. It might be, you say that they bought it for five thousand—

Q. Yes, I assure you that the price was $5,000 per acre more for the Manor than it was for the— A. Then, it may be a question of some improvements on it; I don't know.

Mr. Stout: Refer to the sales (handing to witness).

The Witness: These sales don't show it, but in my opinion the Ocean Steamship property was a better property.

Q. Now, which of these sales, the Manor or the Ocean, have you taken in order to superimpose this 50 per cent increase? A. Which? I took practically the average value of the two—

Q. I see.

Mr. Stout: Well, just a minute.

Q. Does the fact that—were there any encumbrances of any kind on the Ocean property that prevented its development? A. I don't think there was at the time of the sale.

Q. Have you taken any such thing into consideration in establishing your present values? A. No.

Q. You don't know then that the City of Hoboken has two sewers, one of 3 feet and one of 6 feet, running through this property right down to the water? A. I think I have heard they are there, but I don't think they injure the property to any extent.

Q. You don't think that a three foot sewer and a six-foot outlet trunk sewer, running through that property has any effect on its development? A. Depends upon where they are located.

Q. Do you know where they are located? A. No.

Q. Then you don't know whether that has any effect upon the value of this property or not? A. I don't think it would have any effect on the property, value of the property.

Q. Why do you say that the Ocean property is worth more than the Manor property? Because it is larger, better shaped parcel? A. Yes, and it fronts on Hudson Street; has better access. By itself it could be developed to a better advantage.

Q. That is the same theory upon which you put a larger price on the Lackawanna yard than on the Erie yard? A. Practically.

Q. You knew when you made this valuation, of course, that both the Ocean tract and the Manor tract were in the same ownership? A. I did.

Q. And if you put a different value upon the Manor portion from that owned by the Ocean portion, why didn't you use the same theory in valuing the yard? A. I was asked to value these separately. I asked the question, "Do you want to value these together or separately?" Here is a piece here that doesn't belong to the—if I was valuing them together I would give it an average value.

Q. If you were not asked to value the Lackawanna yard as a whole, but for water front and back lands, what value would you put on it? A. I don't know. I haven't—

Q. What in your opinion is the value of that much of the Lackawanna yard lying from the pierhead line to a point 1,600 feet back of and parallel with the pierhead line? A. I don't know. I haven't considered it in that light.

Q. Do you think that you can make a fair estimate of the value of the Lackawanna yard without considering that question, when you have compared it with such properties as the Cunard property, which has only a depth of 1,400 feet from the pierhead line to its rear line? A. I have knowledge of many properties in New York Harbor—

Q. Just answer that question. A. I said that I didn't consider the Cunard Steamship—the Cunard

property an ideal piece of property for steamship purposes.

Q. That isn't what I asked you. I asked you if you considered the Cunard sale in valuing the Lackawanna yard how you could value the Lackawanna yard without considering an approximately equal depth from the pierhead line back as the Cunard property has? A. Oh, that wasn't at all necessary. That was all land under water.

Q. And you think— A. Not susceptible to the same kind of development, to the same extent.

Q. So that the land under water then requires different treatment in appraisal from that which is partly under water and partly back land? A. Well, you made it all land under water.

Q. What is that? A. When it is all under water you have got to take into consideration how it can be developed. We have a fully developed piece of property here that we are discussing, with a channel running fully 75 to 80 per cent right—25 or 2,800 feeet right back in it, and used as a water front property.

Q. You said this morning, on the examination as to your qualifications, that sometime in your preparation for this case, that you went out on one of the Lackawanna piers, and in that part of the yard north of the canal. That is the only time you have been in that yard, isn't it? A. No, it isn't.

Q. When were you ever in the yard before? A. Oh, I have been in that yard at different times.

Q. And what part of it did you go in? A. Oh, I don't know.

Q. What were you doing there? A. Generally looking around.

Q. What for? A. Keep myself informed as to water front condition, properties and yards.

Q. When? A. Oh, any time; I looked over that situation in 1919.

Q. Why? A. Well, I was looking in connection with this survey of the Jersey water front.

Q. Well, you didn't go over the Lackawanna yard to buy a site for the American Sugar Refining Company? A. No, but I was looking over conditions there. I think I was in there with Mr. Ripley.

Q. What part of the yard did you go through at that time? A. I can't tell you. It is pretty hard for me to tell you. But I don't have to talk over every foot of the yard to know what it is worth.

Q. When you say 50 per cent increase in value, Mr. Graham, is that a general figure, might it be 40 or 60, or anything between 40 or 60? A. It might.

Q. And do I understand that in placing the value on the Lackawanna yard, that was built up in a logical way from the value that you placed on the New York Central yard as a sort of a basis? A. Yes, I took that as a starting point.

Q. Yes. And I understand that you biult up the value of the New York Central yard from the sales up in the Weehawken section? A. Sales practically adjoining it.

Q. The Lord Construction sales and the— A. The Twombley sale.

Q. And the Twombley sale, and so forth? A. Yes.

Q. There have of course been no sales in Jersey City or Hoboken at the values which you have testified to here today? A. No.

Q. And do you subscribe to Mr. Dunham's theory that the practical monopoly of the shore front by the railroads in Jersey City and Hoboken has caused these large prices in the upper end of the country? A. If I understand you to say by the railroads—

Mr. Stout: By Mr. Dunham, he said.

A. By Mr. Dunham. I subscribe to the theory that if the water front is taken out of the market that is in use, that it cannot be obtained, why, yes, I would agree with Mr. Dunham there.

Q. That— A. That there is no property for sale. It is all in use.

Q. By the railroad companies and steamship companies? A. Don't make any difference who it is whether it happens to be by the railroads or any other occupation.

Q. And that has caused these higher prices up in the Weehawken and Guttenberg section? A. It is the prices they paid.

Q. Well, do you think that the prices they paid up there are due to the fact that there is no property for sale lower down in Hoboken or Jersey City? A. That there is no property for sale in Hudson County on the Hudson River.

Q. Is that one of the reasons— A. Yes, that is one of the reasons.

Q. That created these prices down there? A. Increasing demand and decreasing supply.

Q. Yes, decreasing supply and increasing demand? A. Yes.

Q. Now, the 50 per cent increase that you spoke of. Do you believe that those properties up there have increased 50 per cent in value? A. Well, we have from your record of sales a sale of a piece of property for $250,000, and within a few hours afterwards a sale at $600,000, which is more than 125 per cent in a few hours, according to your record.

Q. And do you think that that indicated an increase of 125 per cent in two hours? A. Oh, no; no. It certainly shows an increase. You take the sale of the Woodcliff property, which is part of the Lord Construction property, the price they paid and the price they sold at, the adjoining property, shows that there has been increase in value.

Q. Well, you know that at the time those latter sales were made, Jones sold to the Lord Construction Company at the original price, don't you, $24,000 an acre? A. Yes, I know that sale. I didn't consider that. He sold that below what it was worth.

Q. Do you know that those Lord transactions were largely due to financing? A. I don't except between the Edgecliff and the Lord Construction Company; that probably may be. Those were transactions within themselves. But I don't think it was a question of financing when the New York Central paid a million and a half for 900 feet there.

Q. Don't you know that the sale from Jones to the Lord Realty Company was a sale between a willing seller and a willing buyer? A. Yes. But I know it was sold for less than it was worth.

Q. Well, if you were to buy property up there— A. I was asked—

Q. Wait until I have finished my question. If you were to buy property up there and you knew that Jones had sold to Lord for $25,000 an acre, wouldn't you as a real estate man feel that that also established a value? A. Not when I knew that Shamberg sold it for $50,000, and that the New York Terminal and Transit Company has sold for $65,000.

Q. Then wouldn't you think that some of these men were paying more than they ought to? A. Oh, I happen to know something about that Jones property.

Q. What I was trying to get at, Mr. Graham, was this: There have been no sales in Jersey City or Hoboken indicating any 50 per cent increase, and as I understand it— A. There have been no sales. The property bought by the Delaware, Lackawanna & Western hasn't been sold. They still own it.

Q. I didn't get that. A. I say there have been no sales.

Q. No sales. A. Except from 1915, 1916, on.

Q. But there has been no property sold at Jersey City or Hoboken in 1920 which indicated any 50 per cent increase over the prices of three or four years before? A. No, but when you compare—

Q. Now, all right.

Mr. Stout: Just a minute.

Mr. Stallman: We will get along.

Q. Therefore, your 50 per cent is established by the increased prices in Weehawken or North Bergen or Guttenberg, wherever those properties are? A. Well, they influenced me, of course, but I know values of comparable property in other parts of the harbor.

You may not let me tell it but I know it, you know.

Q. Well, so far as the Jersey shore is concerned—A. No, no.

Q. —your 50 per cent increase is demonstrated at least to your satisfaction, in the sales up there in Weehawken? A. That, in connection with the other knowledge that I have of properties around New York Harbor.

Q. In New York City and in Brooklyn? A. In New York Harbor.

Q. Well, where outside of the Jersey shore? A. I say in New York City, South Brooklyn.

Q. And up the East River? A. Yes, and on the Hudson.

Q. And up the North River? A. Yes.

Q. And I presume over on Newtown Creek and Gowanus Canal? A. Thank you very much. They had, the Newtown Creek and Gowanus Canal hadn't the slightest effect on my decision as to the value of this property.

Q. All right. A. I really thought that you might give me, might imagine that I had a scintilla of evidence to compare with—

Q. Well, you gave some of those sales this morning. A. You insisted on my giving you the names of the water fronts; you insisted on it and I gave them to you.

Mr. Stallman: I guess that is all.

By Mr. Wall:

Q. Mr. Graham, do you, in arriving at these valuations, use any factor of increase? A. Not an arbitrary factor of increase.

Q. Well, do you have to in arriving at these valuations assume that something must be added because of increase in valuation? A. Yes.

Q. Well, now, how do you get that factor of increase? A. By sales, by rent, by use, by demand and supply, by location, by—well—

Q. Those are all matters that are reflected in the sales themselves, aren't they? A. Yes.

Q. Well, then, you get the factor of increase by the comparison of sales? A. Yes.

Q. That is correct, is it? A. Yes, when you have no actual sales of property on very—absolutely close by, you have to take the best you can get, of properties at all comparable.

Q. Yes. A. Then compare location, area, size, adaptability and the potentialities, and from that coupled with your general knowledge of conditions of water front properties and their uses you arrive at certain conclusions.

Q. Yes. But what I am trying to get at is whether you add something, not the same in all cases, but something in each case by way of factor of increase in order to obtain— A. I have already told you that I have, but they are not arbitrary.

Q. Yes. And that factor you get from actual sales, is that correct? A. Usually.

Q. Well— A. But in the absence of actual sales in the immediate vicinity, you compare with sales you know of properties having the same potential valuation elsewhere.

Q. I am trying—I am only dealing with this factor of increase; I am trying to find out whether you add something by way of a factor of increase when there are no other exact sales to compare with. A. I said so.

Q. Yes. And you arrive at that factor of increase by a comparison of the increase of sales? A. Yes.

Q. Now— A. Where you have them.

Q. Your valuations are higher than any actual sales, are they not? A. Yes; because there have been no sales on the Hudson River of property of similar potentialities and location to the ones I am appraising.

Q. And— A. And in the same physical condition.

Q. That is true especially with the New York Central and the Pennsylvania, that in all cases your values are higher than the values shown by any actual sales anywhere on the Hudson County water front? A. That is so.

Q. Now, where do you say is the most intense point on the Hudson County water front between Greenville and going north to Edgewater, so far as value is concerned? A. Oh, I should say from Exchange place to Ferry Street.

Q. Exchange place to Ferry Street? A. Yes.

Q. That is in Jersey City? A. Yes, practically the—between the two gaps; that is, the deep water basin and the cove up at Weehawken. That is, in my opinion—

Q. At Weehawken? A. Between the deep water basin and the cove, at Weehawken.

Q. Now, where in that locality is the most intense spot? A. Well, there isn't a tremendous amount of difference. Of course the property south of Exchange place is entirely different character than the property north of it. There you simply have land under water, accessibility from the street, fitted for piers, with practically no back land to be used in connection with

it; and when you get at the Exchange place yard you find in connection with the ferry properties a piece of property with a large proportion of water front compared to its total area, the ferry there, and adjoining that you get a piece of back land and a large area of water front sufficient for the development of back land. When you get to the Erie, you get a proposition of a property cut into by Pavonia Avenue. And when you get to the D. L. & W., you find the largest individual unit piece.

Q. Well, now, how is it that you put ten thousand an acre more on the Pennsylvania main yard than for instance on the Erie yard? A. Because you have got a larger proportion of front on the river in comparison to its total area, and you have got the ferry right there; you have got better access. You have got—it is better located. Its general accessibility is better, and it can be developed for passenger service practically better than most any—

Q. Well, its accessibility to New York is not any superior, is it? A. It has a tube station right on the property and the ferry is located on part of the property.

Q. Well, hasn't the Erie a ferry and a tube station? A. Yes, but that property is cut in two.

Q. Well, then, the reason is that Pavonia Avenue cuts it in two, is that the reason? A. That is one of the reasons, yes.

Q. Well, is that the main reason for your difference of ten thousand? A. No, I think generally speaking that everybody agrees that Exchange Place is worth more than the Pavonia location.

Q. Well, I am trying to find out whether it is worth ten thousand an acre more. What in your opinion is the reason? Now, its proximity to New York is about the same. A. Well, no, I think there is a little difference.

Q. Well, which is the difference? In which favor? A. In favor of the Exchange place yard.

Q. Well, why is that any better than the Pavonia proximity so far as New York is concerned? A. Well, it has the ferry and has a tube station.

Q. Well, they both have ferries. We can leave out the ferries. Each has a ferry. A. Well, I think that it has a larger proportion of water front compared with—

Q. Well, then, you dismiss the ferry feature? A. You have asked me to dismiss it.

Q. Well, I am asking if we can dismiss that, in getting at your reason? A. I can't dismiss anything. Here is a condition that confronts me. I think it is absolutely absurd to ask me to suppose that doesn't exist when it actually exists.

Q. Well, what I am directing your attention to is that there is a ferry at each place; there is a Pavonia Avenue ferry and a ferry of the Pennsylvania. Now, the ten thousand increase in the Pennsylvania can't be allocated to the ferry feature when each has a ferry that has access to just as good a portion of New York, can it? A. You can get to New York from each ferry, if that is what you want to know.

Q. Well, doesn't the Erie carry a great many more passengers by ferry than the Pennsylvania? Or don't you know? A. I don't know.

Q. Well, isn't that— A. I don't think it does any more trucking business though.

Q. Well, do you know what the trucking business is on either of those ferries? A. I know they are being run to capacity. You have a ferry—your ferry at Pavonia Avenue goes to the foot of Chambers Street while your ferry that runs from the foot of Exchange place goes to Desbosses Street and to the foot of Cortlandt Street.

Q. Well, I am asking you now if you know anything about the amount of passengers or vehicular traffic on either of those ferries? A. I know they are very well patronized.

Q. Well, but you have no conception of what that amounts to a year on either of the ferries? A. I haven't gone into the earning power of either ferry. I know that the trucking conditions at the Pennsylvania at Exchange place is so great that they have taken the passenger cabins on each side of the lower deck of the ferry boats and have put them all into use for trucking; and the upper decks are used for passengers when used at all. I think probably for passengers the Erie carries a larger number than the Exchange place.

Q. Well, wouldn't that indicate to you that the passenger traffic on the Pennsylvania had greatly fallen off? A. Yes, quite likely it would indicate that.

Q. Well, wouldn't that indicate to you that naturally if the passenger traffic had greatly fallen off that they would endeavor to encourage the truck and vehicular traffic? A. I don't think they would en-

deavor to encourage it. Because the demand was there and they were trying to meet it.

Q. Well, the point is that you don't know accurately as to either of them, do you, as to either passenger or vehicular traffic? A. Well, I cross on the Erie ferry probably four times on an average a week in the morning and I don't cross on the Pennsylvania very often; occasionally do.

Q. Well, all I am trying to get from you is whether you hold yourself out as one having accurate knowledge of the volume of the vehicular and passenger traffic on those respective ferries? A. I do not.

Q. That is what I understood you to say. And— A. But we have an area here of practically less than 40 acres and a frontage on the river of 1,105 feet, while we have an area of almost double that on the Erie with a frontage of a little more than that.

Q. Well, I wasn't coming quite to the frontage yet. We were still on the ferry feature. A. Well, I think I have told you all I know about ferries.

Q. Well, would you say that this ferry comparison between these two companies entered vitally into your view of a ten thousand dollar difference in valuation per acre? A. No, I don't think it would, no.

Q. Well, then, can't we really in order to get at just your theory, can't we discard the ferries from consideration? A. No, I don't think we can.

Q. Well— A. I think there is a great deal more traffic comes down Exchange place to the water front there, that there is more trolleys, it is more accessible in every way; there is buses and trolleys and all sorts

of means of communication that come down through all parts of New Jersey at Exchange place that doesn't come down to Pavonia Avenue. There is a difference there. They have one trolley that comes down Pavonia Avenue, which is not used but very little.

Q. But you have allocated—have you finished? I didn't mean to interrupt you. A. Why, I think you interrupted me, but my train of thought has been severed.

Q. Well, go on. A. I am sorry but I can't continue until you ask me another question.

Q. I don't want to interrupt you, if you want to go on with your— A. I don't know what it would have been.

Q. Well, you have named a specific sum of ten thousand per acre, and you have said that you don't know accurately as to the volume of traffic, either vehicular or passenger on either of these ferries. Now, I am asking you whether you arrived at that valuation with reference to the ferries or used other considerations. A. No, I don't think the ferries—they were not controlling.

Q. Well, then, we can leave them out entirely, can't we? A. If you wish it.

Q. Well, then, you said something about frontage on the river being one of the vital reasons for your putting one ten thousand dollars more per acre than the other. You said that, didn't you? A. Yes.

Q. Well, now, what is the frontage of the Erie yard on the river? A. To the best of my recollection about 1,300 feet.

Q. Thirteen hundred. And what is the frontage of the Pennsylvania main yard? A. I think it is 1,105 feet.

Q. What? A. 1,100 feet.

Q. That includes the ferry, doesn't it? A. That includes the water front used by the ferry, yes.

Q. But the main yard itself is 865 feet on the river, isn't it? A. There is ferry slips on that 865 feet, too.

Q. Are you sure about that? A. Your map shows it.

Q. That within that 865 feet are ferry slips? A. Yes. And there is 247 feet to the south of it, which I took and valued in the main yard.

Q. But the fact is that the Pennsylvania main yard has only 865 feet on the river, hasn't it? A. No, my conception is it has got 1,100 feet on the river; it is all connected up.

Q. And the Erie has 1,300? A. Yes.

Q. And does that include the Erie ferry? A. I think so.

Q. Well, then, the Erie has a greater frontage on the river, hasn't it? A. Yes, but it has a very much larger area back of it; it has something like 96 acres in it.

Q. Well, which do you allocate your ten thousand to, the area feature or the frontage feature? A. There I have pointed out to you the difference between these two properties. The Erie property has practically a frontage on the river of 1,300 feet with an area of nearly 96 acres, or plus 96 acres. The Exchange place yard has a frontage on the river of 1,100 feet, with an area of practically 40 acres, approximately 40 acres.

Q. Yes. So the greater proportionate frontage to the area is the reason you put the ten thousand an acre on, is it? A. Apparently; that had a great influence in my putting that value on.

Q. Yes. A. And also I think the location is a little better.

Q. Well, now, why wouldn't it be the natural thing in valuation on that basis to carve out say a piece the same as Pennsylvania yard and apply that to the Erie yard, and value that at the same price, and then value your surplus at some different basis? A. I can't conceive why I should do that, or any sane, reasonable man would. We have got certain properties of certain areas and certain conditions, and we are asked to value them.

Q. Yes. A. I am not called upon to make a Chinese puzzle or a checkerboard of a piece of property in arriving at my conclusions.

Q. Well, are you able to say on the application of your theories whether the Erie yard, if the same shape as the Pennsylvania yard, same depth we will say, as the Pennsylvania yard, would be worth as much as the Pennsylvania yard? A. I am dealing with actual conditions. I haven't studied or thought of any hypothetical questions such as you put to me.

Q. And you are unable to say— A. I at the present time wouldn't do it, without considerable thought.

Q. Well, is it inability, or pride of method? A. You can draw your own conclusion.

Q. You refuse to say? A. Yes.

Mr. Stout: Are you trying to overthrow the decision of our courts as to zoning properties?

Mr. Wall: I didn't think so.

Q. You think that these prices that have obtained for water front property on the Jersey shore from 1916 to 1921, January 1, are normal prices, do you not? A. At the time they were made.

Q. Well— A. At the time of the sales.

Q. Well, have there been any abnormal prices for land in these sales that you have had under consideration in this area during that period? A. I don't think so.

Q. Then you think that they are all normal sales? A. I think they represent a willing buyer and a willing seller; what the owners were willing to sell for and what the buyers were willing to pay.

Mr. Stout: Do you mean by that, Mr. Wall, the sales that he has testified to?

Mr. Wall: I mean the sales that he has been considering, the Cunard and all the rest of these sales; and the sales in this period that he has mentioned.

Mr. Stout: Well, there are a lot of sales he didn't consider.

Mr. Wall: The sales he mentioned, I said.

Q. And you don't think that the situation as to shipping that has existed during that period has had any abnormal effect? A. I do not.

Q. On sales? A. I do not. I think had we had no war probably larger prices would have been obtained.

Q. You do? A. I think the general growth of shipping in New York Harbor would have taken up

the harbor much more quickly than it has been taken up now.

Q. I see. You testified before, didn't you, that you believed that the activity in shipping would continue? A. When did I testify? It had continued, I said.

Q. Were you not asked the following question— A. Where and on what case?

Q. And did you not make the following answer? A. I don't know. What case? When was it?

Q. In the case of the Pennsylvania Railroad Company, lessee, prosecutor, against the State Board of Taxes and Assessment. A. When was that?

Mr. Stout: In the third-class railroad cases last year, wasn't it, Mr. Wall?

The Witness: If I so testified, then I testified. If you have the record there—

Q. On the third-class railroad cases.

Mr. Stout: Values as of October 1, 1919, wasn't it?

Mr. Wall: In 1921.

Mr. Stout: But values as of October 1, 1919.

Mr. Wall: 1919.

Q. I mean in 1921, before this Board. I have the book here to show you, if you want to see it. A. Well, if I testified I testified; there is no use showing it to me.

Q. "Q. You are not able to point to any single thing which would indicate the advance and your feeling that there was an advance in water front property due to supply and demand? A. To everybody

it is obvious, the increased American Marine demanding berthing and pier propositions and the harbor supply absolutely inadequate to demand. The low percentage of increase is extremely moderate under the conditions. After that period there was a tremendous increase. Q. I am asking just as to that change? A. It was absolutely apparent there was at least that much. Q. The demand, whatever the demand was, then for shipping was an abnormal demand, was it not? A. I would not call it abnormal, no. Q. You would call it normal? A. Normal under its condition, yes. Q. You would call a demand— A. It is going to be normal, it is going to continue." Did you testify that way? A. Yes. And since that time practically every piece of water front on the Hudson River has been sold.

Q. Well, I wasn't asking you about that. I was asking you about demand. A. Well, the demand for water front property is quite evident by the sales.

Q. And do you think that the increasing shipping demand is going to continue? A. I think that the present—it is perfectly obvious to everybody today that the demand for shipping is at a very low ebb, but that is purely a temporary proposition. It isn't—

Q. And no man can say how long it is going to continue? A. No man can say how long it is going to continue; but we know it can't continue forever.

Q. And didn't you also testify as follows to the following questions: "Q. You speak of the demand of the American Merchant Marine. Isn't that a demand that was based on tremendously abnormal con-

ditions, such as virtual temporary retirement of the Germans from the marine? A. We still have the ships and they are going to be used, and they still have places to load—" A. Have to have places.

Q. Well, I suppose it ought to be that. I read it correctly. "—they still have to have places to load and unload and berth. You are talking about the absence of the German ships. They are still absent and will remain absent, I think." A. Yes. I understood one came in today.

Q. You so testified? A. I so testified. And they are still absent.

Q. Yes. And you believe they will remain absent? A. Yes, I think it will be a great many years until they occupy the same position in the merchant marine that they occupied previous to 1914; I think it will be a great many years before they occupy that position, if ever.

Q. And do you base your valuations in any degree upon that prophecy? A. Why, I am only making that prophecy to please you, Mr. Wall, because I hadn't thought anything about it until you brought that matter up. I know very well it is a very difficult matter to get a steamship pier in Manhattan Island today. If I could supply them I could lease three or four piers on Manhattan Island, notwithstanding this tremendous depression in the shipping business.

Q. Did you attach any importance in arriving at these valuations to the fact of whether the German shipping is coming or not coming? A. No.

Q. You don't pay any attention to it? A. No.

Q. It is a negligible factor? A. No. I think you asked the question, I don't think I volunteered it, in a previous case.

Q. Yes. And the abnormality of the shipping demand doesn't enter either, does it? A. No, I don't think it does.

Q. You have valued these properties throughout this war period in the same way as if those values were arrived at in the times of peace? A. I valued the properties as they were; yes, yes, under the conditions today.

Q. I mean as if there was peace? A. Yes.

Q. I mean the war is a negligible factor to you, so far as water front values are concerned? A. Yes; so far as these values are concerned.

Q. Now, do you think that it is the right way to value property for taxation, to mark it all upon the basis of a single high sale? A. I don't think anyone ought to take one sale.

Q. No. A. Any more than they ought to take one low sale, or one high sale.

Q. Which is the highest sale of all these on the water front, Jersey water front, in that period; that is, between Greenville and Edgewater? A. What do you mean?

Q. The highest price paid per square foot of all these sales that you have mentioned. A. The Cunard sale.

Q. What? A. The Cunard sale.

Q. Now, you said you didn't think that was a very perfect piece of property for a shipping property, didn't you? A. I don't think—yes, I said so.

Q. You don't think it is very good for that purpose? A. I don't think it is very good, no; the best they could get, that is all.

Q. And yet your prices are still beyond that price? A. Yes, I think your property would be very much better.

Q. You think what? A. I think that these railroad properties would be very much better.

Q. For shipping? A. Well, better, much better properties generally speaking.

Q. And you don't pretend to any special knowledge of shipping, do you? A. No, except as to the general development of properties of similar character around the harbor.

Q. Well, but you have never gone into the needs of shipping properties, you don't— A. Except as my business has called me in contact with the demands for property of that character.

Q. Well— A. I have never sailed a ship. I am not a shipping agent, I am not a stevedore, I am not a ship owner.

Q. Well, you don't know, in other words, the considerations that made that property sufficiently attractive to the Cunard people to induce them to pay the price they did, do you? A. I know that they considered it was the best they could get in the harbor.

Q. Did you have anything to do with the sale? A. No, but I heard the matter discussed very frequently when I was negotiating for that property.

Q. Well, did you represent them? A. No, but I was negotiating for another purchaser.

Q. And did they make these statements, the Cunard people, to you? A. I heard them discussing it, some of them.

Q. Well, did you ever hear any of the Cunard people say that? A. Did I ever hear any of the Cunard people say that?

Q. Yes. A. Yes.

Q. Who? A. Well, I forgot what his name was.

Q. Who was it? A. He had a general—we had a general conversation there.

Q. Who was it? A. I can't tell you his name.

Q. And on that you base the fact— A. No, I don't. I base it on the developments I know around the harbor for steamship purposes.

Q. No, but you were testifying as to what they told— A. No, I wasn't.

Q. Well, I understood that you were testifying as to what they told you. A. No, it is what I thought, based upon my knowledge of other shipping values.

Q. Oh, you thought it was the best they could get? A. Yes; I knew it was the best they could get.

Q. You don't know what they thought about it? A. No. I know there wasn't anything else for them to get.

Q. You don't know what they thought, do you? A. No. That was the conclusion I reached.

Q. And you don't know anything about the needs of railroad yards, you are not a railroad man, are you? A. Oh, no.

Q. And you never have— A. Never set myself up to be a railroad man.

Q. And you have never made a special study of the needs of railroad yards? A. No.

Q. And you don't hold yourself out as being able to say that one piece of property is better adapted for a railroad yard than another piece, do you? A. Except where it is absolutely obvious to anybody, that is all.

Q. But that isn't as an expert. A. No, I don't claim to be an expert.

Q. It is just as an intelligent citizen that you— A. Yes.

Q. Now, this Andrus property, in Greenville; how far do they have to go to get out to the channel? A. Well, they have a channel right to it.

Q. Well, there is a 35-foot channel that runs into it, is there? A. An artificial channel, yes.

Q. And how far is that from the regimen of the river? A. We are on the New York Bay now, aren't we?

Q. Well, the regimen of the bay. Has the bay any regimen? A. I don't quite—

Q. R-e-g-i-m-e-n. A. Regimen, I don't see—

Q. You know, as a water front expert, what the regimen of the river is, don't you?

Mr. Stout: The channel, he is talking about.

A. No, I don't. I never heard that term used in connection with it.

Q. You never heard— A. You are the first man.

Q. That is the first time you ever heard that term? A. The first time I ever heard it in that connection.

Q. In what connection have you heard it? A. Water front—I probably know what the dictionary definition of regimen is.

Q. Well, what— A. I don't care to go on with a discussion that—

Q. You don't care to go and discuss that? All right. Can you answer the question? A. I thought we settled regimen.

Q. Well, you refused to say anything more about that; that is right. Now, of course when we reach any of these forbidden things you just tell me and we will walk around them. A. Well, if it is apropos to the case I will be very glad to give you what little light I can. I know I can't give you very much, evidently, but what I can I will be glad to do.

Q. How about this Andrus property? You said that that was a fair sale, as I understand it. Didn't you say so? A. I think so. I said so many times—

Q. At $25,000 an acre. A. —when I testified that the property was worth $30,000 an acre.

Q. I thought you said it was a fair sale. A. I said it was a fair sale when subject to a 29-year lease, yes.

Q. I thought you said $25,000 an acre in your opinion was a fair market value. A. If I did I did not so intend.

Q. Well, what do you say now? A. $30,000 an acre in my opinion is a fair market value of that property. The sale was made at $25,000 subject to a lease running for 29 years.

Q. Hasn't that lease been cancelled? A. For some consideration. When the contract was made, it was made subject to that 29-year lease and no one else could get a cancellation of that lease. It was taken out. It was out. Well, let Mr. Bain ask the question. Don't you ask it, Mr. Wall. I have answered him three or four times. Perhaps he can ask it better.

Mr. Wall: Well, I move that that be stricken out, if the Board please.

Mr. Jess: Yes.

Q. How far is this Andrus property from deep water? A. The channel runs right up to the Andrus property.

Q. And how far away— A. But one moment. When I say a fair market value I don't mean it was a fair market value facing on that channel, because that channel was paid for in addition to this $25,000 an acre. I want to make that plain.

Q. How long is the channel? A. Why, a couple thousand feet.

Q. And it runs to where? A. It runs to the channel, deep water channel out here (indicating on map), back on the bay.

Q. And it is 30 feet deep, is it? A. 35 feet it was dredged to.

Q. What? A. 35 feet it was dredged to, yes.

Q. How far does the channel at the Greenville yard run out to deep water? A. It is 2,500 feet between the pierhead line and the bulkhead line at that point; practically about the same, I should say.

Q. It gets to deep water at about the same distance? A. Yes, at about the same depth.

Q. It is only about 20 feet, isn't it? A. Yes; something of that sort. But they are both of them artificial channels.

Q. Now, when property is unimproved, you add to the sales price in order to get the market value the cost of the fill, do you not? A. Why, a real estate man don't always do that because he can't tell exactly what the fill does cost. I don't claim that, but—

Q. Well, a price which in your opinion reflects the cost of the fill? A. Yes.

Q. You add that? A. Yes, but—

Q. Now, this Cunard property, you added to the price of the property as indicated by the deed the cost of the riparian grant from the State and said that the aggregate was the selling price, or market price? A. I said if you did that, why it should be, but I was taking the original price. I said it was over $72,000 an acre, and if you would add the other, it would bring it down to between sixty-four and $65,000.

Q. What I am trying to get from you is whether at the date of the sale you consider the market price per acre—the fair market price—the amount of it plus what the riparian grant cost? A. At the date of the sale all that was paid was—

Q. I understand that, but I am trying to get— A. I am taking $65,000 an acre as your fair—sixty-four or $65,000 an acre.

Q. That doesn't include the cost of the riparian grant? A. Yes, it does. $72,400—

Q. Then your method of finding what the fair market value of the Cunard piece was at the time of the sale, was the price paid as disclosed by the deed— A. Yes.

Q. —and what it cost to get the riparian rights from the State? A. Yes. I—

Q. That is right, isn't it? A. That is right.

Q. Now, if the State has asked 50 per cent of the price it did, you would have said that was the market price, wouldn't you? A. I might, but in reading over that grant, that was as one of the grants I read during the negotiations, I saw a clause that the grant was to be extended—if and when extended the grant would be continued, and the nominal price of $50 a foot, I

think, was fixed, because of that clause in the grant. I read that grant myself.

Q. All I am trying to get is that you treat the price that the State charges for the riparian grant as an absolute factor in that amount that goes in and is added to the price that the parties agree upon when they sell to — A. To arrive at $65,000 an acre, I naturally do so.

Q. In order to arrive at the market value as of the day of sale? A. That is what I did.

Q. That is correct, is it? A. That is correct. That is what I did there to get $64,000.

Q. And you think that is a proper method? A. Well, in that case I evidently did so, yes.

Q. Well, I am trying to find out whether that was the method that you employed— A. Why, that was the method that was employed in the Shamberg sale; he paid a million, seven hundred and fifty thousand dollars and then paid the State or entered into negotiations for a lease for—

Q. So in your valuations of these properties, it is fair to say that the market price on the day of sale is the price that the parties agree on, plus what they would have to pay the State for the riparian grant? A. Yes.

Q. You don't think that the willing seller and willing purchaser has anything to do with the amount that the State exacts, do you? A. Well, I certainly am not quite sure about the value that the State—I am not in accord always with the demand of the State Board.

Q. And you dealt in property, didn't you, before the days that the State Board was so loath to give absolute grants? A. I did.

Q. You dealt in the days when they gave absolute grants, didn't you? A. I did.

Q. And the State has changed that policy very largely, hasn't it, in regard to that? A. Yes; the State has woke up.

Q. Well, it has changed its policy, hasn't it? A. Yes.

Q. But irrespective of changes of policy, you always add to the consideration the amount that the State exacts in order to arrive at market value? A. No, I only say I did so in these two cases.

Q. Haven't you done so in any other cases than these you have testified to? A. I may have.

Q. Well, do you think— A. I didn't add to the value of the property what the State charged for a riparian grant in some; in some properties grants were given a great many years ago and I don't know what they were, and they were at very low figures.

Q. How did you deal with those? A. Took it as a fee.

Q. You didn't pay any attention to the riparian feature in that case? A. No.

Mr. Wall: That is all.

By Mr. Bain:

Q. Mr. Graham, I think you said that your definition of market value of property is the price that would be paid by a person willing but not compelled to purchase to a person willing to sell but not compelled to sell. A. Yes, that is it.

Q. Do you recognize in any way the element of desire to purchase, or desire to sell? A. Why, yes.

Q. That makes a difference, too, doesn't it? A. It does make some. The desire of Mr. Jones, I think, was very great, and was very evident.

Q. That is, if the purchaser is not particularly desirous of selling, although he might be willing to sell, but not compelled to sell, he will demand a higher price than a person willing to sell but not compelled to sell, but having some desire to sell? A. That might be true.

Q. And a person willing to buy but not compelled to buy, and having no desire, particular desire to buy, will not pay as much as one willing to purchase but not compelled to purchase but desires to purchase? A. Then the element of speculation would come in; then he would think he was buying under the market price and would be willing to buy because he was buying under the market price.

Q. The point is this, Mr. Graham, that in addition to the elements of there being a willing seller, not compelled to sell, and a willing buyer, not compelled to buy, the element of desire is also an important factor? A. It enters in. And there is an element of force, too.

Q. An element of force, of course, enters into the question of whether or not one is compelled to sell or compelled to buy. That is quite different from the element of desire. A. Oh, yes.

Q. Now, with how many of the recent sales of water front property were you personally connected? That is, on the Hudson River? A. No, I didn't negotiate any of the sales except as I told you that I advised in connection with the Ocean Steamship Company purchase in 1915, and I negotiated for the Cunard tract, but it didn't come—my competitor got it.

Q. Now, speaking of the sales of water front property on the Hudson River, with how many of the purchasers or sellers have you talked personally about those sales? A. Well, I talked with Mr. Walker, of the—representing the Woodcliff land property. He wanted to sell my client a part of it. He represented them. He told me there was an option on it. I talked with Mr. Shamberg—

Q. Well, now, just before you get that far along. Mr. Walker was the agent of the seller of that property, the Woodcliff property? A. Yes.

Q. What, if anything, did he say to you, or what information did you get as to whether the owner of that property desired to sell it? A. He told me that he could sell me a thousand feet off of that Woodcliff property. It was under option by a dry dock concern.

Q. Did you go to him to purchase the property, or did he come and voluntarily offer to sell? A. He came into my office. He knew that I was in the market, represented a purchaser in the market, and discussed it.

Q. Yes. So that the origin of that matter wasn't with the seller but with an intending purchaser? A. I don't get that.

Q. Well, in that case the seller didn't offer the property in the first instance to a prospective buyer but a prospective buyer went to the seller? A. Oh, no. He came into my office.

Q. But you said he knew that you or your client was in the market for some property at that time? A. Yes.

Q. Yes. So that what started him was a prospective buyer? A. He came to a broker.

Q. You recognize a difference, don't you, where parties selling properties put their property in the hands of a real estate broker for sale and a case where that is not done, but where it is generally known that the property is for sale providing a sufficiently high price can be obtained for it; or where it is known that property like anything else is for sale, regardless of whether the owner offers it for sale, if a very high price can be obtained? A. You are making very fine distinctions. Undeveloped property not in use is generally known to be in the market, and that proper negotiations can buy it, the people looking at it having a desire to use it; there is a desire on both sides. That enters into almost every transaction.

Q. Well, let's put it this way: We will say an owner has some property that he is not particularly desirous of selling, but there often comes a time when the price offered for that property is so high that he can't refuse it, and he sells; isn't that so? A. That don't always happen.

Q. But it sometimes happens? A. Yes, it might happen sometimes.

Q. And in that case you couldn't regard the price paid as the market value, could you? A. If he knew all the facts, and those were the facts, that he was offered more than he considered the property was worth, and he sold it, then I wouldn't consider that price market value, no.

Q. So that you have got to get at this element of desire in each sale? A. Yes.

Thomas P. Graham, Cross

Q. Now, did you get at that element in all of these water front sales? A. I think I generally did.

An adjournment was here taken until Tuesday, Feb. 28, 1922, at 1:00 P. M., State House, Trenton, N. J.

Thirteenth Day.

Trenton, N. J., Tues., Feb. 28, 1922.

Present: Mr. Jess, Mr. Margerum, Mr. Mutchler, Dr. Barber.

Appearances as before noted (Mr. Wall being absent).

Case resumed pursuant to adjournment.

THOMAS P. GRAHAM resumes the stand.

Cross-examination (continued) by Mr. Bain:

Q. Did I understand you to say in your opinion the value of the shore front lands on New York Bay had increased seventy-five per cent between 1916 and 1920? A. I said approximately, assumed by sales. I assumed by the sales. I quoted at that time, those sales of the Lehigh Valley property.

Q. Do you now say that in your opinion certain sales indicate an increase of seventy-five per cent of value of shore front land on New York Bay between 1916 and 1920? A. Between those two sales, yes, of those two properties.

Q. What sales do you refer to as justifying such a conclusion? A. The sale of the property, of the Le-

high Valley property at Constable Hook, comparing it with the sale of the Livermore and Blair tract and the Morris & Cummings tract.

Q. That is you say that considering the purchases by the Lehigh Valley Harbor Terminal Railway Company and considering the sales by the Lehigh Valley Railroad Company and Andrus of property near Constable Hook, you arrived at a conclusion there was an increase in the value of shore front property on New York Bay of seventy-five per cent? A. As shown by these two sales.

Q. Yes. That is taking the Lehigh Valley Harbor Terminal Railway Company purchases of new terminal lands of that company and comparing those with the sales of the Andrus property and the Lehigh Valley property near Constable Hook? A. Yes.

Q. You reached a conclusion there was an increase in value of seventy-five per cent? A. Between those two properties and those two sales, yes.

Q. When were the purchases made by the Lehigh Valley Harbor Terminal Railway Company? A. 1916.

Q. All of them? A. One on April 22, 1916, and the other June 30, 1916.

Q. And when were the properties sold by the Lehigh Valley Railroad Company and Andrus near Constable Hook? A. 1920.

Q. Taking those sales you conclude there was an increase of seventy-five per cent? A. In those two sales, yes, between those two sales and those properties.

Q. Do you consider those properties comparable, that is the property purchased by the Lehigh Valley Harbor Terminal Railway Company and the Lehigh Valley Railroad Company property and the Andrus property at Constable Hook? A. Comparatively comparable.

Q. What do you mean by comparatively comparable? A. Well, they are both pieces of shore front property, both properties that are not fully developed, both facing on New York Harbor, both being considerable areas.

Q. Are they property that— A. They are not identical, but you can compare them.

Q. They are not alike, are they, in location? A. No, they are some distance apart, a mile or a mile and a half apart.

Q. They are not alike in condition? A. There is very little difference in physical condition between that and the Lehigh Valley sale at Constable Hook. That was practically all land under water.

Q. There is quite a difference between the area of the properties purchased by the Lehigh Valley Harbor Terminal Railway Company, and the property sold by the Lehigh Valley and by Andrus? A. Oh, yes.

Q. There is quite a difference in the distance from deep water to the pierhead line in those several properties? A. Part of the Andrus property is much nearer the deep water and the Lehigh Valley, too.

Q. You consider the Andrus property more valuable property than the other property on the New York Bay, don't you? A. What other property on New York Bay?

Q. Property in the neighborhood of the yard of the Pennsylvania Terminal at Greenville? A. Why—

Mr. Stout: In other words, do you consider it more valuable than this property?

The Witness: Yes.

Q. You do, don't you? A. I do, because it is a smaller property and has practically more water front in comparison with its total area, and it is nearer the deep water channel.

Q. Do you think that the property sold by the Lehigh Valley Railroad Company near Constable Hook and the Andrus property is more nearly comparable with the property on the shore of New York in the vicinity of the Pennsylvania yard than it is with the water front property on Kill van Kull?

Mr. Stout: That is some route to travel.

A. Yes. These sales—

Q. Never mind. A. I cannot answer it any other way.

Q. Do you say yes or no? A. I don't want to answer it yes or no.

Q. I will ask to have the question repeated.

Mr. Jess: If it is susceptible of an answer yes or no—

Q. (Question read.) A. I cannot answer that yes or no.

Q. Why not, Mr. Graham, why can't you? A. Because they are both on Constable Hook, they partake of the value of both on the north and the south. The properties to the south, the sales to the Standard Oil Company show much larger—

Q. Let me put the question in a different way. Do you say that the Andrus property is more nearly comparable with the shore front property on Kill van Kull than it is with the property on New York Bay in the vicinity of the Pennsylvania terminal yard? A. Shall have to answer it by saying it partakes of the value of both sides. It is entirely different property, it has a much larger area than the sales on the Kill van Kull. The Kill van Kull has a larger percentage of water front in comparison to its area.

Q. Perhaps you don't get my question, Mr. Graham. What I want to know is whether in your opinion— A. I think I know what you want. I think I can only answer it in the way I am answering it.

Q. Can't you tell us whether the Andrus property is more nearly comparable to the shore front property on Kill van Kull than it is to the property on New York Bay in the vicinity of the Pennsylvania yard? A. Are you speaking of the Andrus property alone, not the sale adjoining it?

Q. I am speaking now of the Andrus property alone? A. It is on—

Q. Can't you tell me? A. I say you can compare the Andrus property with the two, with the properties on both sides of it. It is on a point. You can go north and south. There are sales north and south. They all have more or less of an influence on the question of value of the property at that particular point. I can't arbitrarily say the property purchased by the Standard Oil Company, I presume that is the sale to which you refer particularly at about $50,000 an acre

on an average, which faces directly on the deep water channel with comparatively small areas to a piece of property that has 144 acres in it or to a piece of property that has 40.40 acres in it.

Q. Do you say now you cannot tell or cannot state whether the Andrus property is more nearly comparable with the Kill van Kull property than it is with the property on New York Bay in the vicinity of the Pennsylvania yard? A. I have explained—

Q. Can you state whether or not it is? A. No. I stated what my idea is.

Q. You mean you have no conclusion in that regard? A. My conclusion is influenced by the sales on both sides of it, north and south of it.

Q. Have you any conclusions? A. That is the conclusion.

Q. Have you any conclusion as to whether the Andrus property more nearly resembles in value the property on Kill van Kull than it does the property on the bay in the vicinity of the Pennsylvania yard? A. No.

Q. You have no conclusion? A. No. My conclusion is influenced by the sales on both sides of it.

Q. Your answer is you have no conclusion? A. That is my conclusion.

Q. By the way, you know of the sales of the so-called Packard property in Bayonne? A. I think I have heard of it.

Q. You are familiar with it, aren't you? A. Very.

Q. Do you think the Andrus property is comparable with the Packard property? A. It is entirely

different shape. You have a long strip of property—

Q. Never mind. A. You asked me to compare it.

Q. I asked you to compare it in value? A. I cannot without describing the difference of the two properties.

Q. Why not? A. Because it would not be a fair answer, it would not be fair to me to answer it that way.

Q. Suppose you tell us first whether those two properties, the Andrus property and the Packard property are comparable in value? A. No, they are not.

Q. You say they are not? A. No.

Q. Why not? A. Because they have an entirely different shape, you have a strip of property with a frontage on New York Bay of 300 and some odd feet running back three or four thousand feet to the back land, property that is practically impossible to develop by itself. There is no comparison, mud flats. To develop it by itself you would have to bulkhead it for almost a mile. The cost of improvement by itself would be prohibitive, and compared with a piece of property directly at the point adjoining, almost immediately, developed land with a frontage of seven or eight hundred feet. The properties don't compare in shape or size or physical condition.

Q. They are different properties? A. They were sold four years apart.

Q. In your opinion is the Andrus property Kill van Kull property or is it New York Bay property? A. It is both.

Q. Both, is it? A. Yes, it is at the point.

Q. You wouldn't say it is Kill van Kull property? A. I would say it was both.

Q. Would you say it was Kill van Kull property? A. That is the only answer I can give you, it is both. It is on a point.

Q. You don't make any differentiation between Kill van Kull and New York Bay property, do you? A. I have not said so.

Q. Do you? A. Yes. I say these properties sold by Delano and Fenelle and Despeaux and the other sales at that point are Kill van Kull property.

Q. Is the Packard property New York Bay property? A. Yes.

Q. So that the line between New York Bay property and Kill van Kull property in your opinion lies somewhere between the Packard property and the Andrus property? A. No, it lies at the Andrus property, it is at the point.

Q. Well, then, the Andrus property is beyond the line of New York Bay property? A. No, I said it was at the point, at the junction, at the point.

Q. What I want to get is where, in your opinion, is the line between New York Bay property and Kill van Kull property? A. At that point.

Q. What point? A. Constable Point, Constable Hook.

Q. All right. Where is it in regard to the Andrus property? A. It is right at the Andrus property.

Q. In the middle of the Andrus property? A. The point is practically—it is right in the property.

Q. Where is the line of demarcation between Kill van Kull and New York Bay property with respect to

the Andrus property? A. It is within the lines of the Andrus property.

Q. It is within the lines of the Andrus property? A. Yes.

Q. So that somewhere on the Andrus tract there is a line to divide Kill van Kull property from New York Bay property, in your opinion? A. That is a natural point, I don't have to form an opinion, the map shows it, the ordinary map shows that is the point, called Constable Point, that is the point that points out, projects from Bayonne out into the—

Q. Do you think the Andrus property partakes of the value of Kill van Kull property? A. To more or less degree and to the New York Bay.

Q. To how much more degree and to how much less degree? A. I am unable to state. Sales show it was not sold for—I have not claimed it was worth as much as the property directly faced on the Kill van Kull in the situation or condition or area and location.

Q. Do you now say that the whole of the Andrus property is Kill van Kull property? A. I do not.

Q. You don't say that? A. No.

Q. Do you recall testifying in the case of the Lehigh Valley Railroad against John E. Andrus in the Court of Chancery of New Jersey, as follows: "Do you think the Packard property is comparable, for the purpose of valuation, with this Andrus property? A. I do not. Q. Why not? A. Well, in the first place, the Andrus property is on the Kill van Kull, surrounded by developed property. The Packard property is on what we call the Bayonne Cove

—it might be called the Bayonne Cove—with no development on either side. It had an area of practically 145 acres, of which 100 or more was mud flats, pretty nearly three miles from the upland to the pierhead line; it had, with a shore frontage of 1,250 feet only 341 feet of width at the pierhead line, or about an average of two and a half feet to the acre, compared with the area of the Andrus property, over 14 feet to the acre. It was much closer, practically within a thousand feet, of twenty foot water in a natural channel right up against the development of the Standard Oil Company and other manufacturing properties. Constable Hook is the nearest point between Communipaw, three or four miles to the south and Constable Hook, to the natural channel, while the Packard property was at least three miles from the natural channel—mud flats—shaped like a wedge 1,250 feet on the upland and coming out in a narrow point to 341 feet on the outside—an entirely different kind of property, in my opinion, and not comparable in any way." That was your testimony? A. Yes. I don't think that is at all inconsistent with what I have said now.

Q. You did then state in that case that the whole of the Andrus property was Kill van Kull property?

Mr. Stout: I object to that. That is not a proper question. He didn't so testify.

Mr. Jess: Of course, the question is did he say what he said there.

Mr. Stout: Yes.

Mr. Jess: He cannot construe what he said there. The answer ought to be limited. You did say whatever you said there?

The Witness: Yes, I did, I don't think it is at all inconsistent with what I say now. I said it was.

Q. What did you say in that case was that the Packard property was not Kill van Kull property? A. Yes, and I say so now.

Q. And you didn't say in that case that the Andrus property partook both of the value of New York Bay property and of Kill van Kull property?

Mr. Stout: He was not asked that.

A. That is my answer, I don't know what the question was, that was the answer I made at that time. You have the record, I presume it is a correct one.

Q. You did say in a part of your answer, you did use these words, "Well, in the first place, the Andrus property is on the Kill van Kull, surrounded by developed property," didn't you? A. I say that now, it is on the Kill van Kull and on New York Bay, too.

Q. You didn't say in that case the Andrus property was partially on Kill van Kull and partially on New York Bay, did you?

Mr. Stout: I object to that. The witness has admitted he so testified. What is the use of that?

Mr. Jess: The question is allowed.

Q. (Question read.) A. Evidently not, from my answer.

Q. Don't you recall having testified as follows in that case, "In your opinion, are the values of the property along the Kill van Kull below the Andrus prop-

erty, more comparable or less comparable with the Andrus property for the purpose of valuation than the Packard property? A. More comparable. Q. Why? A. Because of their location." Do you recall testifying to that effect? A. No, I don't, but if that is my testimony I so testified. Further study might have amplified my opinion.

Q. Isn't it a fact, Mr. Graham, that the Andrus property, because of its location and condition is quite a different type of property from the property on the shore of New York Bay in the vicinity of the Pennsylvania yard? A. It is, there was smaller area, and it is different, yes.

Q. It is different? A. Yes.

Q. So that you compare different kinds of property and say from the prices paid for those different kinds of property there was an increase of seventy-five per cent in the value of property on the shore of New York Bay? A. I didn't compare that entirely with the Andrus property. I compared it with the property of the sales of the Lehigh Valley to the Standard Oil Company, which is different from the Andrus property in that it is almost totally land under water. Those facts, in testifying I may not have been entirely cognizant of all the facts in connection with the Lehigh sale that came out in that case. Mr. Van Duzen testified as to the sale of the Lehigh Valley property to the Standard Oil Company and gave us the facts of that sale. I don't know at that time whether I was—

Q. The property sold by the Lehigh Valley Railroad Company near Constable Hook directly adjoins

the Andrus property on the north, doesn't it? A. Yes, north of the Hook, of the point.

Q. Now, is the Lehigh Valley property that was sold near Constable Hook New York Bay property or Kill van Kull property? A. Well, I should say it was more New York Bay property.

Q. And yet you would say that the Andrus property was more Kill van Kull propery? A. Well, it is directly at the point.

Q. Because of location, Mr. Graham, the property sold by the Lehigh Valley Railroad Company and by Andrus near Constable Hook and by Andrus near Constable, those two properties— A. You cannot make a point without having two sides.

Q. Those two properties are quite different from the property purchased by the Lehigh Valley Harbor Terminal Railway Company? A. In physical condition they were practically the same, both land under water.

Q. And in location they are different? A. In location they are different, that is they are closer to the Constable Point than this is, but it faces practically on New York Bay.

Q. Do I understand you to say now that the property sold by the Lehigh Valley Railroad Company near Constable Hook is comparable in condition, surroundings and location with the property purchased by the Lehigh Valley Harbor Terminal Railway Company? A. It is not the same, but it is comparable.

Q. You say it is not the same but it is comparable? A. Yes, it is water front property.

Q. That is true, but property on Newtown Creek is water front but not comparable with property on

New York Bay. A. It is comparable with other property on Newtown Creek and property on New York Bay is comparable with property on New York Bay.

Q. Property on Kill van Kull is not comparable with property on New York Bay? A. Relatively.

Q. That is the same relativity there might be between property on Newtown Creek and property on Staten Island? A. No, not the slightest. Newtown Creek is a narrow strait, a narrow canal about 450 feet wide and compared with New York Bay—I think I have sufficient intelligence to differentiate between them. Possibly you don't give me credit for it, but I think I have.

Q. These properties purchased by the Lehigh Valley Harbor Terminal Railway Company, I think you said were purchased in 1916, is that right? A. The record here shows it and that is my recollection.

Q. And the so-called Packard property was also purchased in 1916, wasn't it? A. Oh, around that time, in 1916, it shows here, but negotiations were carried on for quite a long period. I was interested in that sale.

Q. And the Packard property is closer to the Lehigh Valley Harbor Terminal Railway Company property than are either the property sold by the Lehigh Valley Railroad Company near Constable Hook or the Andrus property? A. Physically, location, yes.

Q. And as a matter of location the property purchased by the Lehigh Valley Terminal Railway Company is more nearly comparable with the Packard prop-

erty than with the property sold by the Lehigh Valley and the Andrus property? A. No, I don't think that is comparable at all as far as size—

Q. I said so far as location is concerned? A. Well, it is within fewer feet of the other property, but here is a wedge-like shaped piece of property that you described.

Q. The Packard property was sold for $3,500 an acre? A. No, it was sold for more than that.

Q. What was the price? A. $4,500 an acre. In addition to that there was a part of it that had no grant.

Q. Whatever there was the price was $4,500 an acre and that included both land under water and upland? A. Yes.

Q. And the land under water ran down to the pierhead line? A. The old pierhead line, yes. It was property, in my opinion, that could not be developed by itself.

Q. You wouldn't compare the Packard property with the property sold by the Lehigh Valley Harbor Terminal Railway Company near Constable Hook and with the Andrus property? A. I wouldn't; no, sir.

Q. You don't think there is any comparison? A. No, I do not, except the comparison that it faces on New York Bay. I think this map—anybody that will examine this map and compare the two properties it will be perfectly obvious to anybody if they but compare the two properties.

Q. You now state positively there is no comparison between the Packard property and the property sold by the Lehigh Valley Railroad Company and the An-

drus property? A. I just stated my position in the matter. I consider the property facing on New York Bay. Beyond that I don't consider it comparable.

Q. You said and you maintain there is no comparison between the Packard property and the Andrus property and the property sold to the Lehigh Valley Railroad Company? A. I have already said it.

Q. Do you say so now? A. I say it is not comparable.

Q. It is not comparable? A. No, except it is water front.

Q. Will you tell us why not? A. Because it is property practically not susceptible of development by itself. It is a long, narrow strip, a couple of thousand feet long, mud flats. To develop it by itself would be absolutely prohibitive.

Q. Is that the only reason? A. Practically the only reason.

Q. Doesn't location come into it? A. Well, location there, if you had adjoining property, sufficient area and size.

Q. These properties are not comparable as a matter of location, are they? A. I think the Lehigh Valley property was probably a little better.

Q. And the properties are not comparable because of their distances from deep water, are they? A. They are practically the same distance from deep water.

Q. The Packard property is the same distance from deep water as the Andrus property? A. It is a little closer to deep water, the Lehigh Valley property.

Q. The Lehigh Valley property is closer to deep water? A. Yes.

Q. So is the Andrus property? A. Yes.

Q. That in your mind makes a difference, doesn't it? A. Yes, it does.

Q. So as a matter of location and distance from deep water there is a difference between the Packard property and the Andrus property and the Lehigh Valley property? A. Yes.

Q. What other differences are there? A. I think that is sufficient.

Q. You consider the Packard property property on New York Bay, wouldn't you? A. Yes.

Q. And the Andrus property and the property sold by the Lehigh Valley you consider partially New York Bay and partially Kill van Kull property, don't you? A. I am speaking of the Andrus property.

Q. Consider also the property sold by the Lehigh Valley Railroad. A. That is mostly on New York Bay.

Q. It is mostly on New York Bay? A. Yes.

Q. Quite close to the deep water channel leading into the Andrus property? A. That artificial channel, yes.

Q. That makes a difference between the two, doesn't it? A. It does make some difference.

Q. It does make some difference? A. They could use it outside of the pierhead line.

Q. On the Andrus property, Mr. Graham, there was an ore dock, wasn't there? A. There was.

Q. Used as a coaling station for the United States Navy during the war? A. It was.

Q. That property was very well improved, wasn't it? A. It had the ore dock, it was bulkheaded.

Q. A modern ore dock? A. Yes. But all those improvements if taken in would add to the acre price of that property. Those improvements were paid outside of the purchase price, paid to Mr. Andrus by the Standard Oil Company, or arrived at—

Q. Don't you know the presence of the ore dock influenced the purchase of that property? A. Don't I know?

Q. Yes. A. I know they bought it.

Q. Don't you know the fact there was an ore dock on the property influenced the purchase of it? A. No, I don't know it.

Q. Don't you know the fact that the property was improved influenced the purchase of it? A. No, I do not.

Q. Haven't any information on that at all? A. I don't remember of having any.

Q. Do you know the Andrus property and the Lehigh Valley property near Constable Hook were purchased by the Standard Oil Company? A. I sold the Andrus property.

Q. Haven't you heard it testified by one of the officials of the Standard Oil Company that two properties were purchased for the purpose of erecting a lubricating plant while the demand for lubricating oil was excessive because of the war condition? A. I know this property was not bought until after the war. I know the superintendent of the Bayonne Refinery went on the stand in Newark and testified to certain facts. What he testified at that time I don't recall. I don't remember hearing him testify to that fact. If he so testified the property was sold previous to that.

Q. Didn't you hear him testify negotiations for the purchase of that property were begun during the war? A. I don't ever remember of having had any conversation in connection—I negotiated the purchase of that property.

Q. That is not my question. My question is whether you didn't hear the superintendent of the Standard Oil Company testify that negotiations for the purchase of the Andrus property and the Lehigh Valley Railroad property were begun during the war? A. I don't remember that at all.

Q. You heard his testimony, didn't you? A. I don't know whether I was in the court room or not. I am so hazy on what he testified to—I believe he testified if it hadn't been for the war, that is the point that stands out in my mind, they would not have bought the property. The fact was they bought it after the war ended.

Q. Didn't you also hear him testify that they had given up the plan for which they had purchased that property? A. No, I don't remember that.

Q. Didn't you also hear him testify they wouldn't now purchase that property at any price? A. Possibly I know as much about—

Mr. Stout: What is the object of this examination, to ascertain what an official of the Standard Oil testified to in some other case?

Mr. Bain: This witness has attempted to testify as to that transaction, claiming to have had knowledge of it. I am now attempting to ascertain his actual knowledge of the transaction.

The Witness: You are asking for a question that happened long after the transaction, as far as my participation in it, had closed.

Mr. Stout: What difference does it make what the—

The Witness: I was in that case.

Mr. Stout: —what the Standard Oil official testified to, it would not be up to Mr. Graham to accept it.

Mr. Bain: It makes this difference, this witness claims to testify as to the transaction which resulted in the purchase of that property. He states a few of the things in connection with the purchase and does not state other matters of which I am certain he has knowledge.

The Witness: Well, Mr. Bain—

Mr. Bain: The testimony by the superintendent of the Standard Oil Company, to which I have referred was given on the same day as Mr. Graham's testimony. The superintendent of the Standard Oil Company followed Mr. Graham on the stand. I am sure that Mr. Graham heard that testimony. If he says he was not in the court room at the time, that he was not listening that may create a different impression, but if he heard the testimony I think I ought to know whether or not he had knowledge of those facts.

The Witness: I would like to answer that.

Mr. Bain: The fact as to the testimony given by the witness in that case.

A. I have not the slightest recollection of hearing the testimony that Mr. Bain referred to. I was in that case and testified that day, and the contract between the Standard Oil Company and Mr. Andrus was put on record, read in the court room and put on record. I remember that the superintendent of the Bayonne Refinery was put on the stand, and I do remember something about him saying if they hadn't bought it they would not buy it. That is the only recollection I have.

Mr. Jess: That is your total recollection of his testimony?

The Witness: That is my total recollection of his testimony, and I know he was put on the stand for some such purpose.

Mr. Stout: Mr. Bain is attempting to read into the record what the Standard Oil official said.

The Witness: Mr. Bain knows I negotiated that sale.

Mr. Jess: Is there any question now unanswered?

Mr. Bain: Not along that line.

Q. Did this entire seventy-five per cent increase in value of lands on New York Bay that you mentioned occur between 1916 and 1920? A. No, up to 1921; I am testifying as to the value of these properties as of January 1, 1921.

Q. How much of the increase occurred between 1916 and 1918 and how much between 1918 and 1921? A. I cannot allocate the percentages of increase to any particular date.

Mr. Jess: Did the Board understand that this testimony of this seventy-five per cent increase was an increase of seventy-five per cent in the value of property or seventy-five per cent increase in the value of this particular property as shown by the sale?

The Witness: That is my testimony.

Mr. Jess: I thought that is what you said.

The Witness: I did so testify.

Mr. Bain: I understood he predicated his values of these properties under review on a seventy-five per cent incease.

Mr. Jess: He didn't testify, as I recall to a seventy-five per cent increase yesterday.

Mr. Bain: I thought he did and that was the question I started off with this session.

Mr. Jess: I thought he said fifty per cent.

Mr. Bain: My impression was it was seventy-five per cent on the bay.

The Witness: I answered by saying as shown by these, two of these particular properties.

Mr. Jess: I think it is important.

Mr. Bain: I want to clear that up.

Mr. Jess: I think it is important whether Mr. Graham applies that to all the property or whether he simply applies it to these sales of property that were sold. He stated quite definitely, I think.

Q. Mr. Graham, do I understand you to say that these sales you have mentioned indicate a general increase in value of seventy-five per cent? A. No.

Q. Of all lands on New York Bay? A. No.

Q. What does it indicate? A. I said it shows the difference between the values as shown between the sales of these particular properties of this point.

Q. What does this seventy-five per cent apply to, does it merely indicate that the Lehigh Valley Railroad property and the Andrus property sold for seventy-five per cent more than the property purchased by the Lehigh Valley Harbor Terminal Railway Company? A. Yes, it shows that as a comparison between the two properties.

Q. So that as a mere matter of dollars and cents the Andrus property and the Lehigh Valley property near Constable Hook brought seventy-five per cent more than was paid for the property purchased by the Lehigh Valley Harbor Terminal Railroad Company? A. No.

Q. What else does it indicate to your mind? A. I can't get what—I wish you would read—

Q. What is this seventy-five per cent you speak of? Where does it enter into your appraisal? A. I was asked about these sales, the sales of the Livermoore & Blair tract, as I remember it. I wish you would get the testimony and get the question and my answer. That is my recollection of it now, that the Morris & Cummings property was sold at an average of nine thousand dollars an acre, and the Livermoore-Blair tract sold for practically $5,500 an acre.

Q. Considering the arears in taxes on those properties as part of the purchase price? A. Yes, that is a fact, and that the average price of the property was $7,500 in 1916. Now it showed an increase of those

sales on an average of $7,500 an acre to $19,000 on the Lehigh Valley sale.

Q. By Lehigh Valley sale you mean the sale by the Lehigh Valley of property near Constable Hook? A. Yes.

Q. Adjoining the Andrus property? A. Yes.

Q. That is you say, comparing the sale to the Lehigh Valley Harbor Terminal Railway Company and the sales of the Lehigh Valley property near Constable Hook and the Andrus property there is an indication of an increase of seventy-five per cent? A. Yes, the difference between would show the difference in location.

Q. Don't those sales merely show a difference of about seventy-five per cent in the selling prices of the properties? A. Why, seventy-five per cent added to $7,500 would make it something like $12,000 an acre. These properties sold for $19,000 an acre.

Q. Just what does this comparison between these sales indicate, I don't know yet from your testimony? A. I don't know what you want from your questions. I am comparing those two sales and they show a difference of $12,500 an acre in the purchase price of those two properties as between 1920 and 1916.

Q. Assuming that, as a matter of fact, the property near Constable Hook sold at $19,000 an acre in 1919 and the New York Bay property purchased by the Lehigh Valley Harbor Terminal Railway Company sold in 1916 for $7,500 an acre, what conclusion do you draw? A. That there has been an increase in value.

Q. Of what? A. Of a certain proportion of that difference in price, comparing locations.

Q. You say this shows a difference in value of a certain proportion of price. What does that mean? A. I

think the Lehigh Valley property in 1916, starting at that point, would probably be worth a little more than the Livermoore & Blair and the Morris & Cummings tract was at that time.

Q. That was in 1916? A. Yes.

Q. Property sold by the Lehigh Valley Railroad Company near Constable Hook and the Andrus property would be worth more than the properties purchased by the Lehigh Valley Harbor Terminal Railway Company? A. Yes.

Q. We have the property sold by the Lehigh Valley near Constable Hook and the Andrus property as more valuable property than the property purchased by the Lehigh Valley Harbor Terminal Railway Company, haven't we? A. Yes.

Q. And we have a difference in price paid for those properties? A. There is a difference in price paid for the properties.

Q. What inference do you want us to draw from those differences in prices? A. In my opinion the relative values of those two properties in 1919 would be there was an increase in value of the Livermoore & Blair tract and the Morris & Cummings tract. They were practically worth in 1919, $10,000 or $12,000 an acre, and that the property of the Lehigh Valley Railroad Company at that time was worth practically the same, or a little bit more.

Q. That is the property of the Lehigh Valley near Constable Hook? A. Yes, there is very little difference in the unit value at that point? That would show a value of an increase of $6,000 or $7,000 an acre in that property at that time.

Q. Let us put it this way, Mr. Graham. Can we not safely call the property sold by the Lehigh Valley near Constable Hook and the Andrus property the superior properties in comparison with the property purchased by the Lehigh Valley Harbor Terminal Railway Company? A. I don't see why you—

Q. Can we do that? A. I don't think so. You couple these two properties together.

Q. Taking the Lehigh Valley property sold near Constable Hook alone, can't we designate that as a superior property as compared with the property purchased by the Lehigh Valley Harbor Terminal Railway Company? A. I don't think so. I stated I thought it was worth a little more.

Q. More valuable? A. More valuable, but I don't agree to that.

Q. You mean you now want to correct your former testimony that the property is the more valuable property? A. Yes.

Q. Do you want to correct your testimony that the Lehigh Valley Railroad property near Constable Hook is closer to deep water than the property purchased by the Lehigh Valley Harbor Terminal Railway Company? A. No. But there is a difference in value.

Q. Now, you are back again to a difference in value between the two? A. You are not dealing in diamonds.

Q. Which is it, Mr. Graham, is the property sold to the Lehigh Valley near Constable Hook more valuable than the property purchased by the Lehigh Valley Terminal Railway Company on the bay? A. I think it is a little more valuable.

Q. Which is the more valuable, the Lehigh Valley Railroad property near Constable Hook? A. Yes, because it has a smaller area in comparison with its water front.

Q. Then as a matter of value we can refer to the Lehigh Valley water front property near Constable Hook as the superior property? A. You can designate it as you please. I say it is a little more valuable.

Q. It is superior in value? A. You can put it that way if you please.

Q. And the Lehigh Valley Harbor Terminal Railway Company on the bay as a matter of value can be called the inferior value, can't it? A. You can call it what you please.

Q. That is a correct designation, isn't it? A. It is your—

Q. Isn't it a correct designation? A. No, I wouldn't call it inferior. I said it was a little less valuable.

Q. Well, Mr. Graham, taking the commonly accepted meaning of the word inferior as a matter of value the Lehigh Valley Harbor Terminal Railway Company property is inferior to the Lehigh Valley property near Constable Hook? A. I don't accept those two terms.

Q. You don't want to use the words superior and inferior, do you? A. No.

Q. But you do consent to the use of the term that the Lehigh Valley property near Constable Hook is more valuable than the Lehigh Valley Terminal Railway Company? A. It is a little, it has a small area, it has larger proportion of water front, it is closer to the channel.

Q. Do I understand you to say that comparing the

prices paid by the Lehigh Valley Terminal Railway Company in 1916 and the price paid for the Lehigh Valley property near Constable Hook and for the Andrus property in 1919, you conclude that there was a general increase in value of seventy-five per cent of all the property on New York Bay? A. No, I said those two sales showed that increase between those two properties.

Q. Then you don't now say that these properties under consideration increased in value seventy-five per cent between 1916 and 1920? A. As a general proposition, no.

Q. You don't mean to say, do you, there was any increase that can be ascertained in the value of property generally on New York Bay between 1916 and 1920, do you? A. Well, I think as shown by my figures, that is what I consider the values of the property on January 1, 1921. That is what I appraised those properties as of that date for.

Q. You have no sales of property directly comparable with the property under consideration, located on New York Bay, have you? A. They are all comparable.

Q. I mean the sales of property that would be used as yardsticks for the purpose of measuring the value of the property under consideration located on New York Bay? A. Not absolutely, no. I knew all of the sales and the prices they brought.

Q. And not being able to use the sales of property on or near New York Bay as yardsticks for determining the value of the property on the bay, how did you determine the value of the property on the bay? A. I considered all these sales, all around New York Bay.

Q. What did you do? Just conclude out of your own head that these properties had the values you placed on them? A. No, I have had many years of experience.

Q. That is what you really mean, don't you, Mr. Graham? A. I knew all the sales, they had more or less influence on me, gave me more or less information compared with other sales all around the harbor that led me to the conclusion I reached.

Q. That is all the sales around the harbor with which you had to do or with which you were familiar? A. Yes.

Q. They all entered into your determination of the value of the property under review? A. They did.

Q. Your experience, of course, has been very broad? A. I so claim.

Q. Running all over the harbor? A. Yes.

Q. It was that general knowledge and experience that led you to make these general appraisals? A. I had knowledge of all the sales, yes.

Q. It was that broad, general knowledge that led you— A. That helped me, yes.

Q. Did I understand you to say there was a general increase in value of fifty per cent of all property on the Hudson River, that is between 1916 and 1921? A. As shown by the sales at that point or shown by my— I don't think I stated values, I don't think I stated fifty per cent, I think Mr. Stallman asked me if I considered fifty per cent.

Q. Do you now say there was or was not a general increase in value of fifty per cent? A. Yes, I think there was at least—

Q. Of all property on the Hudson River? A. Approximately. He asked me from forty to sixty per cent.

Q. Would you say it was not thirty per cent now? A. No.

Q. Thirty-five per cent? A. I stand upon that statement I made. If you have my statement I would like to see it.

Q. Would you say there was any general increase in value of all water front property on the Hudson River between 1916 and 1920 and 1921? A. As shown by sales at certain points.

Q. But not of all property generally? A. No.

Q. At what point was that increase in value? A. Well, the sales—

Q. I am making for the point. You said the increase was not general but only at certain points. I want to know at what points? A. I will amplify that, that there was a general increase of values on the Hudson River front of Hudson County between 1915 and January 1, 1921, as shown by sales on that front, and also sales and transactions all around the harbor.

Q. Do I understand you to say now there was a general increase of any percentage? A. There is a general increase. I won't state a percentage increase, I know there was an increase in the value.

Q. Was that a general increase applicable all along the water front or only at certain points? A. Practically a general increase.

Q. How practical was the general increase? A. All water front had increased in value between those dates in New York Harbor, and the Hudson River front of Hudson County is part of New York Harbor. It had the same effect there it had other places.

Q. You think the value of all water front property in the harbor increased between 1916 and 1921? A. I do.

Q. Regardless of whether the property was on Newtown Creek or in South Brooklyn or Staten Island or on the Passaic River or the Hackensack River or Newark Bay? A. When we speak of New York Harbor we are not valuing any property I know of on Newtown Creek or on the Hackensack River. While technically a description of New York Harbor might take in Newark Bay and Newtown Creek or it might take in some small creek connecting with the Newark Bay we generally speak of the properties facing on the Hudson River, the East River and New York Harbor and the Kill van Kull.

Q. What I want to know is whether you predicate your valuations upon a supposed general increase in value of all water front in New York Harbor? A. As a matter of fact, I am of the opinion that all water front in the harbor had increased in value in those years.

Q. And did that influence you in making your appraisals of the property under review? A. It did.

Q. Can you state what that increase was in percentage? A. No, I cannot.

Q. Can you state what the increase was in 1916 to 1919 and from 1919 to 1921? A. I cannot allocate the

increase to any particular year. I appraised these properties as of January 1, 1921, as I found them.

Q. In your opinion was the increase the same all along the Hudson River? A. I won't state it was absolutely the same all along the Hudson River.

Q. Would you say it varies at different points? A. It might.

Q. Did it? A. I say it might.

Q. Did it, do you know? A. I say it might.

Q. But you can't say that it did? A. I can only answer it as I have answered before.

Q. Was any property under review more valuable on January 1, 1921, than it was on January 1, 1920? A. As I stated before, I didn't appraise that property on January 1, 1920.

Q. So that you cannot tell whether the water front properties under consideration were more valuable on January 1, 1921, than they were on January 1, 1920? A. I stated in my opinion there was an increase in the value of water front from 1916 to 1921.

Q. But you cannot say whether or not any of the property under consideration at this time was more valuable on January 1, 1921, than it was on January 1, 1920? A. I made no appraisals of these properties on January 1, 1920.

Q. Is that the only reason you cannot answer that question? A. That is the only reason.

Q. You cannot predicate a conclusion that there was any increase in value of water front land on the Hudson River in Jersey City and Hoboken between the years 1916, and 1921, on any sales of water front

property in either Jersey City or Hoboken, can you? A. Well, I think the sales—Jersey City and Hoboken?

Q. Yes. A. There were no sales except the sales of the property of the Ocean Steamship Company and the Manor tract and the property of the International Elevator Company.

Q. Those were not— A. You asked me 1916?

Q. I will repeat my question. You cannot predicate a conclusion there was a general increase in the value of water front land in Jersey City and Hoboken between the years 1916 and 1921 upon any sales of water front property in Jersey City and in Hoboken? A. I told you those sales were made in 1916.

Q. Let me put it again. Can you predicate or do you predicate a conclusion that there was a general increase in the value of water front property in Jersey City and in Hoboken between the years, 1916 and 1921, upon any sales of water front property in Jersey City and Hoboken? A. The sales in Jersey City and Hoboken in those years were the sales of the International Elevating Company and the sales of the Manor Real Estate Company and the sale of the Ocean Steamship Company. Those sales coupled with the general conditions in sales all around the harbor led me to the conclusion that I reached, that there was an increase in value of those properties between 1916 and 1921.

Q. Let me now direct your attention, Mr. Graham, to Jersey City and Hoboken alone. Were there any sales of water front property in Jersey City and in Hoboken between 1916 and 1921, which, to your mind, indicate an increase in the value of water front prop-

erty in those cities, between those years? A. I don't see why I should attempt to forget all the knowledge I have of all sales and conditions around New York Harbor and pin me down to three small sales in the city that have not been resold, two of them sold to a railroad company and one of them sold to a grain elevating company.

Q. Mr. Graham, I don't want to pin you down to anything. A. You are pinning me down to sales. I know those sales. I think those properties have increased in value. They have not been re-sold. It is my opinion they have increased in value.

Q. I want to be fair to you. I want to find out whether you conclude from any sales of water front property in Jersey City and in Hoboken between 1916 and 1921, that there was a general increase in the value of water front lands in those cities? A. These sales were in 1916, and they have not been re-sold. They are the only sales that have been made in Jersey City and Hoboken.

Q. Then the answer is, Mr. Graham, that there were no sales of water front property in Jersey City and in Hoboken between the years 1916 and 1921 which indicate a general increase in the value of the water front property in those cities between those years? A. No, there were no sales. The sales were made in 1916, and they have not been re-sold.

Q. Now, then, there being no sales in Jersey City or Hoboken which indicate an increase in value between those years, upon what sales of water front property do you predicate an increase in the value of water

front property in Jersey City and in Hoboken between the years 1916 and 1921? A. Why not predicate them on sales that were made not in Hoboken but made in Weehawken and in North Bergen, and there were quite a number of sales made above there.

Q. Can you state those sales? A. The sale to the Cunard Steamship Company, the sale to the New York Transit and Terminal Company, the sales of the—

Q. New York Transit & Terminal? A. New York State Realty Company. I presume, Mr. Bain, you are aware of the properties to which I refer.

Q. I just want to know now what sales of property outside of Jersey City and Hoboken you think indicate an increase of the value of water front property in Jersey City and Hoboken between 1916 and 1921? A. On the Jersey City water front?

Q. You said there were no sales on the Jersey City water front. A. I mean on the Hudson County water front?

Q. Yes. A. The sale of the Delaware & Hudson Company to the Cunard Terminal.

Mr. Stout: In 1920?

The Witness: 1920.

A. (Continuing.) There has been no re-sale of that property. That was made in 1920. The New York State Realty & Terminal Company, the Twombly sale to the Lord Construction Company and the sale of the Woodcliff in 1919 to the Edgecliff, and the Edgecliff to the New York Realty & Terminal Company. Those are sales and re-sales.

Q. There was no re-sale of the Cunard property? A. No.

Q. So that was not a sale and re-sale? A. No.

Q. Which were sales and re-sales? A. Twombly to Lord Construction Company and the Lord Construction Company to the New York State Realty & Terminal Company, and the sale of the Edgecliff Corporation to the New York Realty & Terminal Company.

Q. That is the sale of the Woodcliff property to the Edgecliff Realty Corporation and by them to the Lord Construction Company? A. Part of their property, yes.

Q. You say that sale and re-sale shows an increase in value? A. Yes.

Q. What was the price per acre paid by the Edgecliff Realty Corporation to the Woodcliff? A. From the Edgecliff to the Woodcliff?

Q. Yes. The first sale was by the Woodcliff Land & Improvement Company to the Edgecliff Realty Corporation. What was the price paid for that per acre? A. I think $28,000 an acre.

Q. Aren't you mistaken, wasn't it $24,000? A. That is the average price of it.

Q. That is what I am asking you for? A. I suppose these figures on this (indicating) are the same as on the map. It is $24,652 an acre.

Q. That was the price paid by the Edgecliff Company to the Woodcliff Company? A. Yes.

Q. That same property was sold by the Edgecliff Company to the Lord Construction Company, wasn't it? A. It was.

Q. What was the price paid by the Lord Construction Company to the Edgecliff Company? A. About the same price.

Q. The average price per acre. The same price? A. Yes.

Q. So that that sale and re-sale does not show any increase in value? A. My information is that the Edgecliff and the Lord Construction Company are the same people.

Q. The Edgecliff and the Woodcliff are not the same people? A. No.

Q. The Cunard Company property not having been re-sold, that property does not show any increase in value, no sales of that property would show any increase in value? A. There was no resale of that property.

Q. You cannot predicate that upon any re-sale of the property? A. No.

Q. You cannot predicate any increase in value because of a sale and re-sale of the property sold by the Woodcliff Company by the Edgecliff and the Edgecliff to the Lord Construction Company, can you? A. No. The subsequent sales—

Q. What properties, if any, were sold and re-sold upon which you predicate an increase in value? A. There were two sales there to the New York Realty and Terminal Company, on from the Edgecliff Corporation to the New York Terminal Company, at an average of about $65,000 an acre.

Q. The Edgecliff to what? A. The New York State Realty & Terminal Company and the sale of the Twombly property immediately adjoining it to the south.

Q. Who is it Twombly sold to? A. New York Realty & Terminal Company.

Q. How much was that sold for? A. $65,000 an acre.

Q. When was the Twombly property purchased originally? A. The deed shows it was purchased and re-sold the same day.

Q. What was the first price paid for the Twombly property? A. According to the stamps on the deed, $250,000.

Q. How much per acre? A. Practically $27,000 or $28,000 an acre.

Q. $27,000 or $28,000 an acre was the price paid by whom to Twombly? A. Twombly to the Lord Construction Company.

Q. The Lord Construction Company paid $27,800 an acre; you say that same property was sold to somebody else? A. The New York State Realty & Terminal Company.

Q. For how much an acre? A. About $65,000 an acre, nearly $66,000.

Q. Sold the same day? A. The deeds were put on record and dated the same day.

Q. The deeds of conveyance were on the same day? A. Yes.

Q. So that on the same day property purchased for $27,800 an acre was sold for $65,000 an acre? A. The record shows the stamps on the deed. I have certified copies of both deeds. There was a question in my mind because the second transfer shows $150,000 purchase money mortgage, that doesn't show up in the first transfer.

Q. To whom did Twombly sell? A. The Lord Construction Company.

Q. To whom did the Lord Construction Company sell? A. New York State Realty & Terminal Company.

Q. Do you know what the actual consideration was for the conveyance by Twombly to the Lord Con-

struction Company? A. The stamps show $600, $600,000.

Q. That is what is shown by the stamps? A. The stamps on the deed.

Q. Was that for the whole consideration or was the property subject to a mortgage? A. I said there was a purchase money mortgage of $150,000 on one of the deeds.

Q. That is aside from the $600,000? A. I have heard it testified here $600,000 was the price they paid.

Q. Do you know what the fact was in regard to that mortgage? A. No, I didn't presume they paid $750,000.

Q. You don't know what the fact was, do you? A. I know they stated $150,000 so the only conclusion I could reach was the first sale might possibly have been at $450,000.

Q. It might have been $750,000? A. I rather think the stamps on the deed—

Q. As a matter of fact, you have no definite information about that sale at all, have you? A. Oh, yes, I have. If I haven't I will take your information, you have testified.

Q. You are not in a position now to tell the Board exactly what was paid for that property, because you don't know about the mortgage? A. No, I don't think the mortgage had anything to do with the second sale. It was a purchase money mortgage given back to Mrs. Twombly on the first sale.

Q. What conclusion did you draw from the fact that the sale by Twombly to the Lord Construction Company was apparently at $27,800 an acre and the sale on the same day from the Lord Construction Company

to the New York State Realty & Improvement Company was at $65,000 an acre? A. Mr. Ryer informed me—

Q. I am asking you what your conclusion is? A. I took the conclusion it was sold for $250,000 and re-sold at $600,000.

Q. What conclusion as to value did you draw, did you conclude that on a single day that property increased in value over one hundred per cent? A. No, I didn't like the transaction. It looked rather like a peculiar transaction to me.

Q. What did you conclude from it? A. I concluded the property was sold for less than $600,000 and re-sold at $600,000.

Q. So that the sale and re-sale of that property cannot evidence an increase in value? A. It certainly would, yes; it evidenced an increase in value in my mind.

Q. How much? A. I cannot state in percentages. If it was $250,000, if it was $400,000—

Q. Isn't it a fact that because you concluded that the original price paid to Twombly was not $27,800 an acre but some other price, that it is impossible for you to say whether the sale and re-sale of that property indicates an increase in its value? A. It is not. Take the first construction one would naturally take on it. If that $150,000 was not part of the purchase money and the $250,000 was paid in addition to the $150,000, that would make the consideration $400,000, and the re-sale of the property the same day at $600,000, even presumably the property sold for $400,000 it would show a fifty per cent increase. It was sold for the same price as adjoining property.

Q. Without knowing the facts you cannot come to

any definite conclusion, can you? A. Certainly, I can come to a definite conclusion that there was no decrease in the sale price of that property. It is only a question of whether it was an increase of a much larger percentage than fifty per cent.

Q. Without knowing all the facts how can you arrive at the conclusion with regard to the increase or decrease in value as shown by these sales? A. I certainly can arrive with the facts I have before me, as I explained them to you.

Q. Don't you consider it necessary to base a conclusion on facts? A. Yes, I had the facts, I stated the facts.

Q. I thought you told me you didn't know all the facts? A. I said I knew there was $150,000, I didn't know where it came in.

Q. Stop right there. A. No, I won't stop right there. Presumably it was part of the purchase money mortgage, which would make the consideration $400,000 and the re-sale was $600,000.

Q. Now, Mr. Graham, without knowing where the mortgage on that property fitted in you cannot tell anything as to the actual price paid to Twombly, can you? A. I know it was no more than $400,000, and it might possibly be $250,000. It might be either two.

Q. It might be more? A. I don't see how they could put $250 worth of stamps on the property and sell it at $400,000. I think you know the law which regulates the placing of stamps by the seller on a piece of property. I do.

Q. You say it might have been $400,000, the price of that property might have been $400,000 or it might have been $250,000, don't you? A. I said you could draw either conclusion, with the $150,000 mortgage.

If I follow the law compelling the placing of stamps on a transaction for full consideration. I can reach the conclusion they paid $250,000.

Q. When there is a purchase money mortgage do you know whether the law requires the stamps on the deed to show the amount included in the purchase money mortgage? A. I think you have to when there is a purchase money mortgage. When there is no stamps on the mortgage, you have to put the full consideration on.

Q. But did you conclude as to the first sale, that the price was $400,000 or $250,000? A. I didn't care whether it was $250,000 or $400,000. The difference between those, either with $250,000 or $400,000 and $600,000 showed an increase in value.

Q. It didn't make any difference whether the price was $250,000, $400,000 or $600,000? A. Oh, no, that isn't fair.

Q. Wasn't that what you said? A. No, that was not what I said. I said it was only a question of percentage of increase. There was an increase.

Q. Now, Mr. Graham, when you said there was a fifty per cent increase in value of water front property you concluded or you reached a conclusion in that regard from the sale and the resale of the so-called Twombly property, didn't you? A. I consider it was at least fifty per cent increase in the two prices paid for that property.

Q. And it was upon the sale and re-sale of that property you concluded there was an increase in value of water front property? A. Not on that sale alone. I said on all, increases in value all over the harbor.

Q. We can eliminate the Cunard because there was no sale or resale, we can eliminate the property sold by the Woodcliff to the Edgecliff Company because although that was a re-sale the price paid at the re-sale was about the same price as the original price. Now, when we come— A. What sale was that?

Q. The Woodcliff to the Edgecliff and the Edgecliff to the Lord Construction Company. A. That was between interested parties.

Q. The sale and the resale were at the same price? A. Practically, yes.

Q. Now, we come to the Twombly property, and you say you conclude from that sale that there was an increase in value of fifty per cent? A. No, I didn't say that, I said at least fifty per cent.

Q. You conclude from the sale and resale of that property there was an increase in value of at least fifty per cent? A. Yes.

Q. Were there any other sales and re-sales of water front property that led you to believe there was an increase in the value of water front property at fifty per cent? A. The sale of the Edgecliff.

Q. You have gone over that. A. I think you sidestepped that sale.

Q. I tried to get you to state all the sales and resales that you think indicate an increase in value of fifty per cent or more, whatever your thought was in that regard. We have disposed of the Cunard sale, we have disposed of the sale to the Woodcliff, to the Edgecliff, the re-sale of the property purchased by the Edgecliff, and we have disposed of the sale and re-

sale of the Twombly property. What other sales were there? A. There were no other sales.

Q. When you get right down to it the only sale upon which you predicate an increase in value was the sale and re-sale of the Twombly property? A. You are side-stepping the Edgecliff sale to the New York Transit and Terminal Company, which shows an increase in value between $23,000 and $65,000.

Q. What sale was that? A. The sale of the adjoining property to the Twombly property.

Q. From the Edgecliff to whom? A. The New York Realty & Terminal Company, the same price they paid for the Twombly property.

Q. The sale of the Edgecliff to the New York Realty & Terminal Company? A. Yes.

Q. What was the price of that sale? A. They paid practically the same price they did for the other, $64,000 or $65,000 an acre, which they purchased in 1920, for $23,000.

Q. How does that property lie in respect of the Twombly property? A. It immediately adjoins it to to the north.

Q. What was the date of the original sale of the Twombly property? A. March 26, 1920.

Q. What was the date of the sale of the Edgecliff to the New York State Realty & Improvement Company? A. March 24, 1920.

Q. Within a few days of each other? A. Yes.

Q. And the price paid for the Twombly property was $24,000 an acre, is that right? A. No, $27,000 an acre.

Q. Are you sure it wasn't $24,000? A. I am reading from your own figures on this map.

Q. You say it was $27,000 originally paid for the Twombly property? A. Yes.

Q. Within three or four days of that you say the adjoining property was sold by the Edgecliff to the New York State Realty Company for $65,000? A. Yes.

Q. We are not speaking now of the Twombly property, we are speaking of the property adjoining the Twombly property? A. Yes.

Q. You say that property was sold three or four days after the Twombly property was sold for $60,000 an acre? A. Right.

Q. From the sale of the Twombly property and the sale by the Edgecliff to the New York State Realty & Improvement Company and the adjoining property do you conclude that there was an increase in value of fifty per cent or any other increase in value, those two sales having been within a few days of each other? A. There is no question in my mind the price was fixed on the Twombly property some time before the sale of the Edgecliff, because they don't usually make a contract and a sale the same day.

Q. I want to know whether you conclude from the sale of the Twombly property at $27,000 an acre and from the sale by the Edgecliff Company to the New York State Realty & Improvement Company a few days later of adjoining property at $65,000 an acre, that there was an increase in value of fifty per cent or any other per cent? A. I concluded that the sale of the property from the Woodcliff to the Edgecliff Company at $23,000 or $24,000 an acre in 1919 or 1918 and the re-sale of the property by the Edgecliff Corporation to the New York Realty Company shows

an increase in value between the purchase of the property by the Edgecliff from the Woodcliff and the sale of the Edgecliff to the New York Realty and Terminal.

Q. I am not trying to trick or confuse you, or anything else, I merely want to get your conclusion. I want to know whether you conclude from the sale of the Twombly property at $27,000 an acre, and from the sale of the adjoining property by the Edgecliff Company to the New York Realty & Improvement Company at $65,000 an acre that there was a general increase in the value of water front property of sixty or any other percentage? A. No.

Q. So that that sale does not show that general increase? A. Those sales in addition to what other information and knowledge I have of sales increases of water front property all around the harbor.

Q. So far, Mr. Graham, there has not been a single sale mentioned which you have been willing to state led you to conclude that there was a general increase in the value of water front of fifty or any other per cent? A. That was absolutely controlling, that is right.

Q. If no one of those sales— A. They show an increase in value.

Q. If no one of those sales led you to such a conclusion all of the sales could not have led you to a conclusion? A. I said they were part of my conclusion. I told you they were part of it, in addition to my other knowledge.

Q. Were there any other sales? A. I have told you a dozen times there are no other sales. How many times have I got to tell you.

Q. What I want to get is this, Mr. Graham, these sales that we have gone over you have said do not

lead you to the conclusion? A. I have not so said. I said they, in addition to the other knowledge I had of water front conditions and sales around New York City water front have led me to the conclusion that there was an increase of value.

Q. There was no sale and re-sale of the Cunard property, was there?

The Witness: I appeal to the Commission. I have already stated there was not.

Mr. Jess: I am inclined to think you have made your position quite clear.

Mr. Bain: I submit this, that what I want to find out is whether this witness has based his conclusion of a general increase of value on any sales. I have led him over all the sales I can think of that he testified to, and he has stated, as I gather his testimony, unequivocally that no one of those sales led him to conclude there was an increase of fifty or any other per cent.

The Witness: I said they in addition to other knowledge which I have of the water front conditions.

Mr. Bain: If these sales did not lead him to that conclusion, and he has testified there was an increase, I want to know what led him to that conclusion, and I submit I have a right to find that out.

Mr. Jess: You have, and he has answered it by saying the sales together with other knowledge of conditions he has as an expert have led him to that conclusion.

Mr. Bain: All right, let me ask him what his other knowledge was.

Mr. Jess: That is all right.

Q. What other knowledge did you have that led you to that conclusion? A. All sales of other properties all around New York Harbor.

Q. Can you state those sales? A. As I have been requested not to specifically state sales other than Jersey City water I have not them with me today.

Q. Who made that request of you? A. I have always been tied down to it. When I commence to talk about Brooklyn you commence to talk about Newtown Creek.

Q. Newtown Creek is in the north end of Brooklyn, isn't it? A. I understand I am not allowed to give any specific values of any sales except on the Jersey water front. I cannot divorce it from my knowledge. All water front values on New York Harbor, in my opinion—

Q. Do you base your conclusion there was a general increase of value of water front property on Hudson River on sales in other parts of the harbor, including New York, Brooklyn and Staten Island? A. In addition to the sales on the Jersey City water front.

Q. That you have mentioned? A. Yes.

Q. You feel you cannot mention sales in other parts of the Harbor like Brooklyn, New York and Staten Island, because you have been told it is not proper? A. I have not the data with me. From memory I could give you a few.

Q. You have been informed as a matter of law you ought not to base your valuations of the water front in Jersey upon the value of water front in Brooklyn and New York and Staten Island, is that right? A. It was so stated to me.

Q. But nevertheless you have been so informed you have to some extent, at least, based your appraisal of the property under review upon the value of land in New York, Brooklyn and Staten Island? A. I cannot divorce my knowledge of all the sales around the harbor and specifically—

Q. And therefore you base your present appraisals in part at least upon the value of water front land in New York, Brooklyn and Staten Island? A. On my general knowledge.

Q. That is your general knowledge of those, at least? A. Yes.

Q. Now, Mr. Graham, do you know how much of the land under the Erie Depot in Jersey City was solid land? A. Under what depot?

Q. The Erie depot? A. I know, yes, I know a great deal of it is, but I cannot tell you in square feet. I know, I have had to wade through the greatest part of the station in Jersey City.

Q. Underneath the depot? A. The water comes right up through the depot.

Q. I am asking whether you know how much of the land underneath the Erie depot in Jersey City is filled in, do you know? A. Do I know?

Q. Yes. A. I have not examined it, no.

Q. Do you know how much of the land under the Delaware, Lackawanna & Western depot in Jersey City is filled in? A. No.

Q. Do you know how much of the land under the Central Railroad depot in Jersey City is filled in? A. No, I have not examined it.

Q. Do you know the nature of the bulkhead, the actual bulkhead in the Erie Railroad yard? A. I know it is a pile bulkhead.

Q. Do you know the character of it? A. It is a pile platform and a bulkhead.

Q. Have you ever examined it? A. No, I am not a dock builder.

Q. Where is the bulkhead with respect to the depot? A. I think it is just on a line with the depot.

Q. The easterly end or westerly end? A. I think it is on the easterly end.

Q. Do you know where the bulkhead is located under the Pennsylvania station? A. I think it is solid fill there under the Pennsylvania station. I think the bulkhead is out shore.

Q. Do you know? A. From my observation I would say it was.

Q. You have never been under the Pennsylvania station, of course, have you? A. No, I have not, I have not been under any of these stations.

Q. Do you know how much of the Erie terminal is made land and how much of it is natural land? A. I think practically all of those terminals are made land.

Q. Practically all are made land? A. Yes.

Q. You never heard, did you, that the original shore line in the Erie terminal yard was just east of Provost Street? A. It is practically the westerly yard.

Q. You think Provost Street is the westerly boundary of the Erie yard, do you? A. Yes, I think it is (looking at map).

Q. Well, that shows on the map, doesn't it? A. There is the map, look at it.

Q. Assuming that all of this shore front in Jersey City was unimproved and in its natural condition, how much of it would be shore front, strictly speaking? A. Practically all shore front.

Q. Extending where, a mile back? A. I heard Mr. Dunham testify and I have also talked with him about it, and I understood all of these railroad properties starting practically with Exchange place, going up to the Delaware, Lackawanna & Western was part of the old Harsimus Cove property and had been filled in.

Q. You are capable of forming your own conclusion in this regard? A. I never saw that property in its natural condition.

Q. Assuming all this shore front was unimproved and in its natural condition, how much of it would be water front, strictly speaking? A. All of it.

Q. For how far back of the water front? A. To the solid land.

Q. The solid land would come down to the shore line, wouldn't it? A. The solid land would be back to Henderson or Provost Street, or wherever it happened to be.

Q. Let me go somewhere else. Take along the Jersey Shore, we will say, how much of that strip of sand is shore front? A. All of it is shore front.

Q. How far back of the high water line? A. Practically to the intersecting street or road.

Q. And if the intersecting road happened to be three miles from the water front, then that three-mile strip would be water front? A. I don't think on even the New Jersey front you can find any road three miles back from the water front.

Q. Assuming that were so? A. It might have an influence as far back as that, but of course, the further it receded the less influence the water front would have on the property. Three miles is an absurd dis-

tance. None of these properties on the Hudson River are much over one-half or two-thirds of a mile.

Q. Assuming you have a long, unbroken strip behind the water front, there is a line of demarcation between the water front property and the property that has some value other than water front property, isn't there? There must be of necessity? A. Go far enough back.

Q. Who fixes how far back that line will be, or what fixes the location of that line? A. Usually the development at that point.

Q. If the shore front is used for shipping purposes, then the development for shipping purposes would fix the line back of the shore front where the shore front value would cease? A. Then there would come intervening streets. I have an example here, if you want to see it, of the Bush development.

Q. All right, that is your example, is it? A. It is a fairly comparable example.

Q. What is the distance in the Bush terminal from the pierhead to the bulkhead? A. There are some piers on the property north of the Bush terminal which is the City's property where the piers are 1,800 feet long.

Q. Let us confine ourselves to the Bush terminal. The Bush terminal was developed as a high-class shipping terminal, wasn't it planned and developed as such a terminal? A. Yes, the War Base in South Brooklyn, which is a much newer or later development.

Q. I am speaking of the Bush. What is the length of the pier, the average length? A. Over thirteen or fourteen hundred feet.

Q. Some of them are? A. Here they are: 1,220, 1,205, 1,306, 1,314, 1,329, 1,335, 1,336, 1,337, 1,337, 1,337 and 1,332. There is no pier on the Bush

as short as 1,000 feet. To the south of it we have piers on city property adjoining it of 1,800 feet, it is the same development.

Q. Never mind the city development. A. I offered this map for development of shore property. Where the city property is there was a development similar to what you talked of.

Q. I am going to interrupt you and stop you and ask the Board to rule upon it? A. I have got to tell my story my own way or I won't tell it.

Mr. Jess: You are in a fair way to get some of this information you wanted and you spoiled it.

Mr. Bain: Now, he says I have no right to examine it.

The Witness: I offered something and you wanted me to tell you something you wanted.

Q. You won't tell me what I want? A. You asked me as to the shore property. I was going to describe a piece of property I saw in its virgin state. I saw it developed with piers 1,800 feet long.

Q. You probably didn't know the information I wanted? A. I cannot fathom it. I don't think you wanted any information.

Q. The information I want now is what is the extreme depth of the Bush property from the pierhead to the extreme rear end of the property? A. About 2,500 feet.

Q. About 2,500 feet? A. Before you come to intervening streets and to the east of that is another development which would carry it another six or seven hundred feet.

Q. That other development is manufacturing? A. I am talking about the warehouse proposition.

Q. It is largely used for manufacturing? A. I am talking of the older development, the one-story warehouse used for jute and things of that sort.

Q. As a matter of fact a large part of the Bush today is used for manufacturing purposes? A. It has become so.

Q. It was originally laid out as a warehouse and subsequently because of economic conditions changed into manufacturing lofts? A. Similar to some of the development on the cove of the Hoboken Land and Improvement Company.

Q. Don't you know the reason why the warehouses were turned into manufacturing lofts was because it was found the distance between the ends of the piers and the warehouses at the extreme rear end of the property was too great to permit an economical use of the warehouses? A. I do not.

Mr. Stout: It seems to me we are getting too far away. I object.

Mr. Bain: If he doesn't know it that ends it.

The Witness: Since that time the United States Government developed the War Base in Brooklyn.

Mr. Stout: I would like a ruling. Are we going to pass upon the efficiency of the docks and piers in the Bush Terminal?

Mr. Jess: I don't think it is specially material, but the witness himself decided that in

answer to Mr. Bain's question. I think we perhaps have gone far enough with that.

Q. Let me ask you this, Mr. Graham. What is depth, the greatest depth of water front property sold within the last five years on the Hudson River in Jersey City or in Hoboken or in Hudson County anywere? A. The greatest depth?

Q. Yes. It was the Cunard sale wasn't it? A. No, I think—the Cunard sale?

Q. Yes. A. That is about as deep as any property.

Q. The Cunard property? A. And that was restricted because of the formation of the property back of it.

Q. At any rate, the Cunard property represents the greatest depth of property from the pierhead line that has been sold on the Hudson River in recent years? A. Yes.

Q. And that is 1,400 feet approximately? A. Of course, if you take the Woodcliff sale—the water front part of the property?

Q. Yes. A. Without any intervening streets?

Q. Yes, about 1,400 feet? A. It as about 1,400 feet with the additional grant, yes.

Q. And the Cunard property represents the greatest width on the pierhead line of any property sold on the water front in Jersey City, Hoboken or Hudson County in recent years? A. Yes, I think 2,000 feet is about the largest unit sold. The Shamberg was less, and the two sales of the New York Realty & Terminal were less and the sales of the Manor and the Ocean were less. Yes, I think that is the largest.

Q. And the Cunard Terminal Company is a steamship company engaged in shipping business? A. Yes.

Q. And this property was purchased by the Cunard Company for a steamship terminal? A. Presumably, that is their business.

Q. And the Cunard Company owns or leases steamship terminals in other parts of the harbor? A. They have some piers in Manhattan.

Q. And the company has been engaged in the business of shipping for a great many years? A. Yes.

Q. And presumably that company knew what was necessary for steamship purposes when it bought its new terminal? A. I presume they thought they could use it for their purposes.

Q. And that piece of property is about as good a piece of property as any on the water front for steamship purposes? A. I don't think so.

Q. What requirement hasn't it got of a good steamship property? A. It has not sufficient area to have the proper approaches and the warehouse connections. Personally I think it was the best it could purchase, but I don't think it compares with other properties on the Jersey shore for that purpose.

Q. How does the new Cunard Terminal compare with the Hamburg-American terminal in Hoboken? A. That is purely a steamship proposition for mostly express or passenger ships.

Q. How does the new Cunard property and the Hamburg-American property compare? A. I think they have practically the same depth.

Q. For steamship purposes is one as good as the other? A. I think the Hamburg-American is better. The approaches are better.

Q. The street approaches? A. Yes.

Q. That is for high class passenger traffic? A. That is what it was used for. There are no warehouses in connection with it.

Q. Isn't it considered the Hamburg-American piers are about as good shipping terminal as there are in the harbor? A. No, not compared with New York.

Q. I am speaking of the Jersey side? A. The property is the best in existence on the Jersey side, not that could be created, but that is in existence.

Q. By reason of depth of water and size and area, dimensions and area, the Cunard property is better than the Ocean Steamship property, isn't it? A. For steamship purposes, yes, I think it is better for steamship purposes.

Q. And better than the Manor property? A. For steamship purposes.

Q. Did you value the property under consideration for any particular use? A. No, for general water front use.

Q. Speaking commercially isn't the value of anything regulated by the profitable use that can be made of it? A. Generally speaking, as a general proposition I figure that is so.

Q. You didn't value lands under consideration for railroad use, did you? A. I don't know what particular value it has to the railroad companies.

Q. As a matter of fact, it is impossible to determine the value of any particular piece of property used in connection with other property by a railroad company according to its value for railroad

use? A. Not for railroad use. I know it is in use by the railroad company, they use it.

Q. You agree with Mr. Dunham, don't you that practically all of the sales of water front property in recent years have been for shipping purposes? A. Well, the sales of the Manor and the—

Mr. Stout: Mr. Dunham didn't say that. It is based on a false assumption.

Mr. Bain: I will strike that out then, I thought he did.

Q. What has been, or what is the fact as to whether or not all of the recent sales of water front property in Hudson County or in Jersey City and Hoboken, we will say— A. Well, of the sales I don't think the sales of the New York Realty Company were for steamship purposes, as they were bought by a railroad, I have no knowledge they are going to use them for steamship purposes. The property of the Woodcliff to the Edgecliff was purchased, I believe for a dry dock repair yard. The Shamberg property was sold to the Luckenbach Steamship Company. It is a steamship company and presumably used for their purposes. The Manor property was not sold for steamship purposes nor the Ocean Steamship.

Q. Don't you know those properties are being used for the transshipment of grain? A. No.

Q. You don't know that? A. Well, might possibly be used occasionally for that.

Q. You haven't been there to see the actual use of it? A. Not recently.

Q. You can't state what they are being used for? A. No, but I don't think the railroad bought

it for that purpose, I think it stated it bought it for a repair yard.

Q. Is a long pier, space for a long pier on water front property an advantage or a disadvantage? A. It is an advantage.

Q. It is an advantage? A. Yes.

Q. So that the shorter the distance between the pierhead line and the bulkhead line the less valuable the property is? A. For steamship purposes, but then you can go in shore. The bulkhead line is merely the line of solid fill which you can't go beyond, but you can go in shore. New York City went in shore at 44th Street.

Q. That means dredging or blasting out rock and that is expensive? A. Very expensive.

Q. If the property happens to be all under water, so that long piers can be put in without much dredging that is an advantage? A. Dredging is not considered a very expensive operation because frequently it means a dredge and a fill. If you get rock or other things of that kind that is different.

Q. Assuming a modern steamship terminal was to be put on the property, that property would be better if it was all under water than it would be if it had some antique improvement upon it, wouldn't it? A. Yes, it would have the necessary shore front with the proper approaches.

Q. These old fashioned improvements that were put upon property ten, fifteen or twenty years ago are of no advantage? A. They add nothing to the value of the land in many instances.

Q. They detract from the value of the land, don't they? A. Sometimes.

Q. And if your land is in its virgin condition practically it has greater value than if it was improved? A. That would depend on the improvement. If it is absolutely unimproved you can improve it to the best advantage without taking into consideration any improvements that had previously been put on it.

Q. Speaking of the Cunard property, the fact there was an old canal basin on it and that the property was largely under water is an advantage to the Cunard Company because it gives them an opportunity to develop that property in any way they see fit without the necessity of removing any improvements. A. I think you have to remove the so-called improvements on it now. I don't see any salvage in them.

Q. They are insignificant? A. Yes.

Q. The very physical condition of that property was an advantage to the Cunard Company? A. It was not a disadvantage except that it didn't have sufficient upland back of it for proper approach and proper warehouses.

Q. Have you ever determined yourself the average price paid by the Cunard Company for all its approaches of this new terminal? A. Yes, about $64,000.

Q. Does that include the average price of the back land as well as the water front? A. The back land is crossed by a nest of thirty or forty tracks. They bought some land and before they get through it will cost them more to blast those rocks down and put them on the level than they paid for the original purchase.

Q. The Cunard Company bought several tracts of adjacent lands, didn't they, so that all those parcels are now in a single ownership, that is true, isn't it, that the Cunard Company having bought

them all they are all in the ownership of the Cunard Company? A. The contracts were not taken—

Q. The Cunard Company now owns those several parcels of property. Have you determined yourself the average prices paid by the Cunard Company for those several parcels? A. No. I know practically what they paid for the back property, but that is entirely different property.

Q. If you include the back land in the Cunard purchase the average price per acre would be less than $64,000 an acre wouldn't it? A. It might be.

Q. Did you say you analyzed the Shamberg sale? A. Yes.

Q. And in analyzing that sale, upon what part of the land sold did you put the greatest value, the shore front or the back land? A. The shore front.

Q. Why, because the shore front is more valuable than the back land? A. Yes, because it was separated by a railroad and a road. There were two different pieces of property.

Q. Whom did you represent in the sale of the Ocean Steamship Company? A. I was asked to put a value on that.

Q. Whom did you represent, you said you participated in the sale. A. I also stated I had put a value on the property. An official of the New York Dock Department, I think, negotiated the sale. He asked me what the property was worth. There were negotiations for its sale or purchase.

Q. You didn't actually participate? A. No, I said I knew about that sale, that is what I meant by it.

Q. I think you said the Government purchases of land in Hoboken to your mind do not indicate value. We are speaking of the taking over by the Government of the Hamburg-American piers? A. Yes.

Q. Do you know how the price was fixed for that property? A. I know there was a commission appointed.

Q. The commission appointed by the War Department and the Alien Property Custodian.

Mr. Stout: I don't think it is worth while to go into how the purchase price was fixed. The purchase price was fixed. If the Board does not consider a purchase by the Government under these circumstances, I don't see why we should analyze the sale.

Mr. Bain: I submit I have a right—

Mr. Jess: I think he has a right to ask him why he didn't consider that.

The Witness: Because I didn't think the price fixed by the Commission was in my opinion the value of the property.

Q. That is you didn't agree with the price put upon the property by the arbitrators? A. I did not.

Q. But you won't say and you can't say the arbitrators did not do what they thought proper in fixing the price? A. I prefer not to express an opinion on it.

Q. Both parties accepted the award? A. Well, you know the facts. A man comes up and asks me for my watch with a gun at my head, and I usually give up the watch.

Q. You think that is the way the Hamburg-American piers were taken over, do you? Of

course, that does not apply to the sale by the American Warehouse and Produce Company to the United States Government, that was a bona fide sale, wasn't it? A. Apparently, but there is a discrepancy in prices that raised a suspicion in my opinion.

Q. Any discrepancy in price raises a suspicion in your mind? A. Oh, no.

Q. It did in that case? A. I didn't consider it was purchased by the Government.

Q. Don't you know that when the arbitrators fixed the value of the Hamburg-American property it was after hearing expert testimony as to value? A. I know they had hearings.

Q. I think you said the Erie yard is not as good as the Delaware, Lackawanna & Western yard, is that so? A. That was my opinion.

Q. Because of location? A. And it is not as well located and it was split in two by Pavonia Avenue.

Q. It was because of location and general development? A. Yes.

Q. And for the same reason all of these yards on the Hudson River, New York Bay, have different values, haven't they? A. I gave different values.

Q. That is the fact? A. That was my opinion.

Q. That because of location— A. Size, area, relative water front values, water front frontages.

Q. That is because of location? A. Surrounding conditions.

Q. All these railroad yards have different values, that is true, isn't it? A. Yes.

Q. Suppose any of these railroad companies wanted to sell, we will say, five acres of their yard at the extreme rear end and at the same time wanted to sell five acres along the bulkhead line, for which would they get the greater price?

Mr. Stout: I object to that question; aren't we dealing with actualities? What benefit is it to this Board to know what a piece in one corner of this yard would sell for and a piece in another corner would sell for?

Mr. Jess: The question is allowed.

A. If the railroad yards sold off their water front they would destroy the value as water front property of the back yards, and make it back lands, and then the local conditions would prevail. I don't know, divorced from the water front, what the value of the lands is.

Q. Let me put it this way, Mr. Graham. You wanted these railroad terminal yards by units of an acre, didn't you, you applied a rate per acre for the value of the yards? A. Yes.

Q. And your unit was an acre unit? A. Yes.

Q. If you had a block of land in the city divided into lots of 25 feet by 100 feet depth, and you valued that block according to the value of each lot, your lot would be the unit, wouldn't it? A. Yes.

Q. And you determine the value of the various portions of the block according to your unit of lots? A. If I was working on a lot proposition, yes.

Q. When you take a large tract of land and use an acre unit, you value your land according to these units, and it of necessity follows if you

were to sell any of the units you would get the unit price put upon the land? A. No, I don't think that follows. If you destroy the value of the property as a water front, if you take the acre out of the middle or one side of it, then you destroy the whole unit. What the property would be worth in the back of the yard, which would be back land property separate and apart from the water front I don't know, I don't claim to know local values outside of water front influence.

Q. I think you said that in determining the value of the Central Railroad property in Bayonne, you considered some sales of the property known as the Port Johnston property and yet in determining the values of the Pennsylvania Railroad property in Greenville you said you didn't consider the sales of the Port Johnston property, how did that happen? A. I took sales that were closer by. This part of the Port Johnston property had been sold.

Q. Port Johnston is in Kill van Kull? A. Yes.

Q. In determining the value of the Greenville yard, you didn't consider the Port Johnston sale? A. No.

Q. Now, according to your schedule you valued the land in the Big Basin of the Lehigh Valley Railroad Company west of Washington Street at $65,000 an acre, that is right, isn't it? A. No, I think it was $87,000.

Q. $87,000 west of Washington Street? A. Yes.

Q. We will say $65,000 from Van Vorst Street west of Jersey Avenue. That interior part of the basin is reached only through a channel 150

feet wide through the Big Basin? A. Yes, a channel.

Q. A channel 18, 21 feet deep? A. Yes.

Q. Washington Street is three blocks from the river there, isn't it? A. About that.

Q. Hudson, Green and then Washington. So that in order to get to Washington Street through the Big Basin, ships must sail at least three blocks through this channel? A. They have to go through the channel in order to get into the Tide Water basin.

Q. You say the channel is 18, 21 feet deep? A. Yes, as I remember it.

Q. In order to get into the inner basin west of Washington Street, the ships have to go through the opening at Washington Street? A. Yes.

Q. After they get into the basin west of Washington Street, there is another channel extending for several hundred feet, isn't there? A. Called the Tidewater Basin.

Q. Called the Tidewater Basin? A. Yes.

Q. In that inner basin what is the difference between the ends of the pier or between the side of the channel and the shore line measured at right angles? A. I don't know. They have got some saw tooth piers in there. These piers come in here; this map don't show it very well (indicating).

Q. Well, the fact is there is practically no— A. For two or three hundred feet.

Q. It is less than that? A. I was looking at it this morning in my office on the map, and I think those piers are two or three hundred feet long that run out from the land into this basin, up to the edge of the basin.

Q. The fact is, Mr. Graham, that for shipping purposes that inside basin is greatly restricted because of the approach to the channel and because of limitations after going beyond Washington Street. A. Why, it is used for lighters and car floats and that sort of thing.

Q. The extreme inner end of the basin is a mud flat, isn't it? A. It shows up there, apparently, the last time I saw it.

Q. A mut flat? A. Up at the upper end of it seems to me I have seen tugs and scows there across the basin from it.

Q. That is the Washington Street? A. Yes, I have looked up and also examined the property of the terminal on that side.

Q. I am speaking of near Van Vorst Street. There is practically no depth of property in there, is there? A. I think there is sufficient property for anybody that wants to go up there. You couldn't take a thirty-foot ship up.

Q. Nor a twenty-five foot ship? A. There is enough water for barges and lighters of eight to ten feet.

Q. That is not a twenty-five foot ship? A. I don't claim a twenty-five foot ship can use that.

Q. As a matter of fact, that inner basin could not be used by ships drawing more than twenty feet of water? A. I don't think it could be used for ships at all. I think it is a different class of property, for car floats.

Q. You say it is water front property? A. A tide water basin, more or less comparable with the creeks you are talking about all the time.

Q. That property, of course, is less valuable than the Hudson River Water front? A. Yes, because that has a frontage of 3,800 nearly 4,000 feet on there and comparatively small area of

land back. It is like a longitudinal wharf. It could be used for that purpose. It is more like a bulkhead proposition.

Q. As a matter of fact, Mr. Graham, the Hudson County shore front has a higher value than that interior basin land? A. I have given it a higher value.

Q. That is the fact? A. Yes, that is the fact.

Q. You have placed a higher value on the interior basin than was paid for the Cunard property, haven't you? A. I think so, but this is entirely different property. This has 3,800 feet of water front and a very small area, and the other has 2,000 feet of water front with a very large area. They are not comparable in that sense.

Q. I think you said one of the reasons why you placed a different value upon the front portion of the Big Basin of the Lehigh Valley Railroad and the rear portion of that basin was because of the difference in title. Do you know of any difference in title? A. I was informed there were two ownerships there.

Q. Different ownerships? A. Yes.

Q. Who told you there was any difference in ownership? A. Mr. Stout or Mr. Durham said one belonged to the Morris Canal & Banking Company and the other belonged to the Lehigh Valley.

Q. Neither of them informed you the whole thing was leased by the Lehigh Valley? A. I don't remember that; they said there were two ownerships.

Q. Did you ever read the charter of the Long Dock Company? A. I don't think I ever did.

Q. Don't you know the Long Dock Company is the owner of the terminal lands of the Erie Railroad? A. I think I heard it mentioned, I didn't know

it, it didn't make any difference who owned it to me, if you owned it it would not make any difference, I would put the same value on it.

Q. Why did you make any division of values on the Tidewater Basin going north and south? A. Because I thought that didn't have a frontage on the Hudson River.

Q. It is because the lines north of the Tidewater Basin are worth less than the lines south of the Tidewater Basin? A. Yes.

Q. Let me ask you this, Mr. Graham, were there any occurrences or happenings during the year 1920 from which you concluded there was an increase in value during that year? A. I don't remember any particular occurrences or happenings that year.

Q. Did you consider the sales by the Edgecliff Realty Corporation to the Lord Construction and by Jones to the Lord Construction sales at market value? A. The Edgecliff to what, the Lord Construction Company.

Q. Yes. A. I considered that was merely a sale from one inside interest to another. I didn't consider the sale from the Edgecliff to the Lord Construction Company meant anything. The Jones I considered was beneath market value and so informed Mr. Badger, attorney for Mr. Jones.

Q. Was that before the sale? A. I don't know. He called me up and asked me about it. I think it was, I think they had sold the property. If he had called me up before it would not have been sold at that price, I don't think.

Q. You said you thought the sale by the Jones people was below market value? A. As evi-

denced by the sales to the north and south of it. It was practically at the same price that the Woodcliff sold to the Edgecliff in 1917 or 1918, and then you have a sale directly adjoining it to the north at a larger price and to the south.

Q. Wasn't it a fact, Mr. Graham, that the Twombly property was sold to the Lord Construction Company and the Woodcliff Land & Improvement Company property was sold to the Edgecliff Realty Corporation in three months of each other, and that the later sale was at a lower rate than the earlier sale? A. As I say, it doesn't make any difference what the consideration of that sale was. My understanding of that sale was it was to interested parties.

Q. You misunderstand me. The sale by Twombly to the Lord Construction was an honest sale, they were different parties, Twombly was not concerned with the Construction Company? A. No.

Q. The sale by the Woodcliff to the Edgecliff was by entirely different parties, that was not a mere formal transaction? A. What is that?

Q. From the Woodcliff to the Edgecliff? A. They are the same, interested parties.

Q. Do you know what you are talking about? A. Yes.

Q. They were different parties? A. Yes.

Q. That was a bona fide sale? A. Yes, that was in 1918.

Q. 1919, wasn't it? A. The price was fixed in 1918.

Q. The Twombly property was sold in 1920? A. Yes.

Q. And the Woodcliff property was sold for about $24,000 or $25,000 an acre and the Twombly for about $27,000 an acre? A. Yes.

Q. These two were substantially alike? A. Yes, but the Twombly property was resold the same day at a much larger consideration.

Q. We have gone all over that. A. We went all over the other, too.

Q. The Jones sale was in March, 1920, at about $24,000 an acre? That was about the same price that was paid by the Edgecliff Company to the Woodcliff Company and by the Lord Construction Company for the Twombly property, about the same time, wasn't it? A. I would consider the sale of the Twombly property at $24,000 underneath market value, at the same time I also considered the Jones sale—

Q. Isn't it a fact— A. By the resale of the properties at a much larger price.

Q. Isn't it a fact where you have sales of three separate properties in the same vicinity and at substantially the same rate within a period of a year or three months, that you think that indicates market value? A. As against that I have three sales at so much larger prices within a similar period.

Q. We have gone over all that. A. Yes, but—

Q. Don't you think those three sales indicate market value? A. No, I think they are below market value, as indicated by subsequent sales.

Q. What about the prices paid in those three instances indicating market value as shown by prior sales? A. Prior sales?

Q. Yes. A. Where were the prior sales at that point?

Q. I don't know, I am asking you? A. There is not any, there was not any. There were subsequent sales, sales about the same period.

Q. Mr. Graham, suppose you were asked immediately after the sales of those three properties

in 1920 before the subsequent sales you have mentioned, whether the price paid in those three instances was market value, what would you have said? A. I think I would have said they were below market value, comparing them.

Q. But then you would not have had these later sales on which to base your conclusion? A. It is merely confirmatory.

Q. You would not have had these later sales on which to base your conclusion. A. If they had not taken place I would not have.

Q. On what would you have based your conclusion those prices were below market value? A. On comparison with similar properties, properties put to similar use in other parts of the harbor.

Q. There have not been any, you told me. A. Not on the Jersey shore.

RE-DIRECT EXAMINATION by Mr. Stout:

Q. Mr. Graham, the sale of property of Twombly to Lord Construction Company on March 26, 1920, in your opinion was not a sale at market value? A. It was not.

Q. And the sale of the same property by the Lord Construction Company to the New York State Realty Terminal Company on the same day at about $65,000 an acre, was a sale at market value? A. In my opinion.

Q. You didn't mean to say that that property increased on the same day about $40,000, did you? A. No, what I said was that that was the difference between the consideration as shown by the deeds.

Q. In other words, the selling price showed an increase in value of $40,000? A. That is so.

Q. Per acre. But in your opinion it had the same value when Twombly sold it as when the Lord Construction Company sold it, did it or did it not? A. It did, as shown by the deed.

Q. Why do you think that the original sale of Twombly to the Lord Construction Company was not a sale at market value? A. Because of the price paid.

Q. So that when you speak of the increase in value of shore front property on the Hudson River in Hudson County you didn't mean to say that these sales or resales there indicated the increase— A. No—

Q. —in the property along the shore front? A. No.

Q. Was your comparison of sales to arrive at the increase in value of the shore front property between 1915 and 1921 a comparison of the sales of the Manor Company and the Ocean Steamship Company and the sale to the International Elevating Company with the Cunard sale or purchase and the two sales of the New York State Realty & Terminal Company and the sale of Shamberg to Luckenbach? A. Yes, those were the sales I used.

Q. Are those the sales you used to show a general increase in the value of the shore front property in Hudson County? A. Those are the sales I had in mind as well as all other sales.

Q. Those were the principal sales? A. They showed—more clearly confirmed my opinion as to increase in value.

Q. You didn't base your value of these respective pieces of property under review upon a general increase in value? A. No, except as there was a general increase and it was shown at times when sales were made.

Q. Then you mean you considered the sales and the other factors pertaining to each piece of property and your general knowledge? A. Yes.

Q. And from that you arrived at the market value of the property? A. Yes.

Mr. Bain: That is his conclusion of the market value.

Mr. Stout: You get the idea this is being conducted by a court by strict rules of evidence. This Board, as I understand it, is a sort of inquisitorial Board that wants the facts.

Mr. Bain: My only purpose was in calling your attention to the fact you are characterizing this witness's conclusion as market value. After all it is nothing but his own conclusion as to market value.

The Witness: That is my conclusion as to market value.

Mr. Stout: That may be exact, I don't know.

Q. Referring to the Cunard land or purchase, you said that that had advantages for development as it was unimproved at the time of the purchase? A. Yes.

Q. Just the same as any other unimproved piece of property would be if the purchaser desired to develop it? A. Yes.

Q. And in making a separate valuation on the lands involved in the Luckenbach purchase, the back land from the front land, there was a physical division, was there not? A. There was, there was a road.

Q. And that is the land back of the road, you couldn't call that shore front property, could you? A. I didn't consider that shore front property.

Q. And in valuing these lands under review, you said that you didn't allocate the net income of the railroad to the specific pieces of land in arriving at your valuation?

Mr. Bain: He didn't say that, he said he couldn't determine the value of any particular piece of railroad land for railroad purposes.

Q. What, did you say you couldn't? A. I think so.

Q. You mean to say that you don't know what a piece of property would sell for in the market for railroad uses or purposes?

Mr. Bain: I object to that.

A. Any more than any other property. I said specifically for railroad purposes.

Q. You don't know how? A. They probably would pay the market price for it.

Q. You don't know how to value this class of property specifically for a steamship use, do you? A. No.

Q. Your valuation is based upon what this property would bring in the market if you had it for sale, based on your experience and study of shore front property? A. That is so.

Q. In valuing these properties you didn't think it necessary to examine the composition of the land, whether there were irregular places on the land, you valued it as you found it, did you not? A. I valued it as I found it.

Q. What it would bring in the market if you had it for sale? A. That is so.

Q. Then you used the information that you had of the increase in the value of the shore front property in Manhattan Island, you used that only in your general increases, but you didn't use the value of shore front property on the New York side as a criterion of value on the Jersey City side? A. I did.

Mr. Stallman: I object to that. I have made this objection many times, that Mr. Stout is on his re-direct examination as well as on his direct, putting these words in the mouth of the witness. I don't think Mr. Stout should be allowed, without being sworn to sit down here and tell this witness what his conclusions are based on, or what his conclusions are.

Mr. Jess: We make much better progress when Mr. Stout answers the questions as well as asks them.

Mr. Stout: I want to say in reply to Mr. Stallman if he would read the act under which this hearing is being held he would find that the Board conducts this hearing, and I think this Board would be permitted to ank any questions it saw fit to get at the knowledge of the witness, and I think that the Board asks just as direct or leading questions as I do. We want to get at the information.

Mr. Jess: The objection is sustained.

Mr. Stallman: I move to strike out the answer.

Mr. Jess: Well, strictly you are entitled to have it stricken out.

Q. Mr. Graham, referring now to the D., L. & W. yard, if 50 or 60 acres of back land were added to that yard at $10,000 an acre, would that increase or decrease the value of the yard as you found it? A. It might change my unit of value by increasing it.

Q. Depending upon what? A. Depending upon the proportion or relation it had to the whole.

Q. Did you arrive at the valuations that you have testified in respect to the shore front property on the Hudson River by taking value in 1915 and 1916 and adding fifty per cent to that? A. No. I valued that property as I found it January 1, 1921, in my opinion.

Q. In respect to the so-called property of the Ocean Steamship Company, is your acreage valuation higher than that shown by the schedule of sales offered in evidence by the railroads? A. My schedule of sales shows those two properties sold for about the same price. Looking this list over it seems to me that there has been something allowed for improvements on the property. I didn't consider the improvements on the property were of any value and I have always considered those two properties sold at the same price, about $1.35 a square foot. I deducted nothing from my analysis of the sales for improvements. I considered it in the value of the land.

Mr. Stallman: Did you divide the acreage into the total price?

The Witness: Yes.

Mr. Stallman: You didn't get any equal results then, did you?

The Witness: I so thought I did.

Mr. Stallman: I don't want to interrupt you.

Q. In making your comparison of lands involved in the sales of the shore front property, having in mind the Cunard purchase, and the sales to the New York Realty & Terminal Company and the Luckenbach, which shore front property did you directly compare the lands involved in those sales with? A. With the New York Central properties.

Q. You used the terminal yard of the New York Central as your starting point? A. Yes.

Q. Why did you compare the lands involved in those four sales directly with the New York Central yard rather than with the D., L. & W. and the Erie and the Pennsylvania yards?

Mr. Bain: I object to that on the ground the witness testified in answer to my cross-examination that he did not compare any of the lands involved in this review directly with any of the lands sold.

Mr. Stout: I don't think he so testified.

Mr. Bain: I am sure that he did.

Mr. Jess: Well, if that is true—

Mr. Bain: If he wants to contradict his former testimony, all right, but my objection is to Mr. Stout's suggesting something that the witness did not testify to.

Q. I am going to ask you the question, did you or did you not make a direct comparison between

the lands involved in those four sales with the terminal yard of the New York Central?

Mr. Bain: Dollar for dollar in value, do you mean by direct comparison?

Q. In other words, did you take the Cunard sale and compare the land involved in that as to condition and value of the land involved in the terminal yard of the New York Central? A. They were the closest.

Q. Did you? A. Not altogether.

Q. How did you do it? A. I took my general knowledge of conditions and values all around the harbor and was influenced to a greater or less degree by the sales of those properties which were immediately adjoining, adjoined it to the north and south, and compared the physical conditions.

Q. Mr. Graham, what is the date of the leases of the Staten Island sales, which Mr. Morrison testified to? A. I have the copy here, a copy of the minutes of the sinking fund when the sales were confirmed, and the date it was made was July 17, 1919.

RE-CROSS EXAMINATION by Mr. Bain:

Q. Mr. Graham, you testified that you valued the property owned by the D., L. & W. Railroad, referred to as the Manor property and the Ocean Steamship Company property separately because you were able to value them separately? A. Considered them two properties.

Q. You were asked to value them separately—were you asked to value these railroad company yards as a whole regardless of the parcels assessed by the State Board? A. No.

Q. But you did value them regardless? A. Yes.

Q. Who suggested that you do that? A. Nobody. I did that myself.

Q. You didn't value these lands, you say, according to any supposed general increase in value? A. No specific percentage.

RE-DIRECT EXAMINATION by Mr. Stout:

Q. But you considered that in making up your valuation? A. I certainly did.

An adjournment was here taken until Wednesday, March 1, 1922, at ten-thirty A. M.

Fourteenth Day.

Trenton, N. J., Wednesday, March 1, 1922.

Present: Mr. Baker, president; Mr. Mutchler, Mr. Margerum, Dr. Barber.

Appearances:

As before noted. (Mr. Wall absent.)

Case resumed pursuant to adjournment.

CHARLES SINGER, Jr., previously sworn for the State.

Direct-examination continued by Mr. Stout:

Q. Mr. Singer, did you make an appraisement of the terminal yard of the New York Central Railroad for the purpose of testifying before this Board? A. I did.

Q. And your valuation is made up as of what date? A. January 1, 1921.

Q. 1921. Have you a summary of your appraisals? A. I have.

Q. Let us have them, please. A. (Papers produced.)

Q. And you have made an appraisal of all the properties of the New York Central Railroad Company set forth in your memorandum of appraisal? A. I have.

Mr. Stout: I offer this memorandum of appraisals in evidence.

Papers above referred to received in evidence and marked S13.

Q. What in your opinion was the fair market value of the terminal yard of the New York Central on January 1, 1921? A. I haven't the total. I can give it to you as laid out by the State Board.

Q. Did you value the property by the front foot method or by the acreage valuation? A. Rather the acreage, by the square foot.

Q. In other words, you used the acreage valuation to determine the front foot valuation? A. Well, I considered all of that front foot valuation but made out my valuation on a square foot valuation.

Q. Rather than a— A. Front foot.

Q. Front foot valuation. Now, will you tell us what in your opinion was the acreage valuation of the terminal yard of the New York Central as of January 1, 1921? A. Well, there were two valuations. The yard itself I appraised at $1.75 a square foot, or to carry it out to its conclusion, $76,230 an acre.

Q. Now, what area of this terminal yard is comprehended in that valuation? A. Everything

right up to the toe of the hill, not the slope of the hill.

Q. You mean the slope or hill lands are not in this valuation? A. No, I placed a different valuation on them.

Q. And what valuation did you place on the slope lands? A. 35 cents a square foot or $15,246 an acre.

Q. How did you arrive at the valuation of a dollar seventy-five a square foot for the terminal yard of the New York Central exclusive of the slope lands? A. I studied all of the sales on the Hudson River that I could find. I analyzed those sales. I took into consideration the price of it, the character of the land, and in that way I formed an opinion of value per square foot in the different localities there, and then I compared the New York Central yard with these sales and took into consideration that the New York Central yard was an improved piece of property, whereas the sales that we have in that neighborhood are all unimproved property.

Q. Which sales did you find the most helpful in arriving at the valuation of the terminal yard of the New York Central? A. Well, I found the Cunard sale to be of great help to me. The Cunard sale is right about 2,500 feet south of the southerly portion of the New York Central terminal yard. And then I took the sale from the Edgecliff and the Lord Construction Company to the New York State Realty & Terminal Company into consideration, and that was property a little to the north of the northerly portion of the yard. And then I took into consideration the sale of the Shamberg property to the Luckenbach Steamship Company, which is still further north.

Q. Did you consider the other sales that are enumerated on the list of sales offered in evidence by the railroad companies and known as Exhibit P24? A. I did.

Q. You considered all of those sales, did you? A. I did.

Q. Did you find them of help to you? A. Well, they weren't a great deal of help, but they were as all sales are, every sale is of help.

Q. Did you analyze the sale of Twombly to the Lord Construction Company, March 26, 1920, and the subsequent sale on the same day by the Lord Construction Company to the New York State Realty & Terminal Company? A. I did.

Q. Did you determine either one of those sales to be at market value? A. I determined the one from the Lord Construction Company to the New York State Realty & Terminal Company, being the same property and practically the same day or on the same day naturally to be the price that that property was worth, because it was sold by an apparently willing buyer and willing seller; paid his money for it. And I was guided by that sale rather than the sale of Twombly to the Lord Construction Company.

Q. Well, what do you know about the sale of Twombly to the Lord Construction Company? A. I don't know any more about it than what the records show. I examined the deed and the stamps on the deed to prove consideration and that agrees with the sheet which you have here.

Mr. Bain: By sheet you mean the schedule that has been put in evidence.

The Witness: Yes, the schedule here.

Q. Well, then, you considered all of these other sales but you did not find they were helpful—for

what reason? A. Well, some of them, the area was small and you couldn't exactly base it on a small area; and as to location they were all practically in the same neighborhood, although I wish to say that I would not include, speaking of this sheet (indicating)—

Q. Yes. A. —sales in Bergen County.

Q. Why? Didn't you think that they were comparable? A. No.

Q. Mr. Singer, will you compare the land involved in the purchase by the Cunard Terminal Company with the land involved in the New York Central terminal yard as to location? A. Well, I subscribe to the theory that as we go further south from the Bergen County line that value increases; that is, the location is better, and I believe the value increases. And that would lead me to say that the Cunard property because of location was slightly better than the New York Central, but it has this disadvantage which offsets that; it has a very poor approach. You have got to come over by the way of Baldwin Avenue, and you have got to pass a lot of railroad tracks to get to it. Now the ferries—

Q. What do you mean, pass over them? A. Yes; or else build a ramp over them, how they are going to treat them I don't know, but that would be very bad for trucking. So that, as I say, it is offset, the advantage it has in its location is offset by the disadvantage it has in approach.

Q. In other words, you think that the surroundings of the New York Central Terminal yard are superior to those of the Cunard terminal lands?

Mr. Bain: Objected to as leading.
The President: I will allow it.

A. Not only the surroundings but the development of the West Shore yard is the thing that counts. You have the Clifton road down in here, and you have the Hillside road, ferry road, from 16th Street, and you have a better approach (indicating on map).

Q. Then, in your opinion, when you weigh the advantages and disadvantages of the New York Central terminal lands with the lands involved in the Cunard purchase, you find them about equal in value except as to condition? A. Yes.

Mr. Stallman: I object to that because that is a conclusion of counsel and not of the witness.

Q. How do they compare in condition? A. There is no comparison.

Q. Well, you mean to say that— A. I mean that one is an improved piece of land and the other is an unimproved piece of land; one is a developed piece of land and one is an undeveloped piece of land.

Q. You don't attempt, do you, to compare lands that are not comparable? A. No—but they are comparable.

Q. Well, then, what is in your opinion the distinction or difference in value between the New York Central yard and the lands involved in the Cunard terminal? A. The development of the New York Central yard as against the unfinished product of the Cunard.

Q. Then it is one of improvements? A. One of improvements.

Q. Do you consider the lands involved in the Cunard purchase to have been made at market value at the time of the sale? A. I do.

Q. And when was the sale made? A. In 1920.

Q. And the total price per acre? A. $72,450, I figure it.

Mr. Stallman: We object to that statement because it already appears in evidence that the purchase price for the Cunard property also involved besides the land itself the right to acquire the riparian grant.

Mr. Bain: And that the grant was acquired, and that the total price paid for the whole property was at a rate much lower than the rate per acre stated by the witness.

Mr. Stout: I think if my distinguished adversaries would follow the question—I am asking what was the amount paid per acre for the land involved in the original contract. We are going to take up this grant later.

Q. What was the purchase price per acre as manifested by the sale of the Delaware & Hudson Company to the Cunard Terminal Corporation?

Mr. Stallman: We object to that because the evidence already shows that besides the land that was sold that the purchase price—there was included the right to acquire the riparian grant, which cannot be divided into an acre.

Mr. Stout: Mr. Stallman, you wouldn't object to finding out what it cost to acquire

a dwelling property, what was paid for the land and what was the cost of putting the building on the land.

Mr. Stallman: Not if you paid for that land an additional price for a contract carrying with it other privileges besides the bare cost of the land.

Mr. Bain: And I think the witness will state that—

Mr. Stout: Why don't you let him state?

Mr. Bain: —that the price paid for the Cunard property, the original purchase, wasn't merely for the land alone but it included something else. We ought to have no dispute about these things.

Mr. Stout: Why are you disputing them?

Mr. Bain: Only because your question and the answer to the question creates an erroneous impression on the record.

Q. Mr. Singer, under that contract between the Delaware and Hudson Company, or rather the sale to the Cunard Terminal Corporation, did the purchaser acquire anything except the land? A. The purchaser acquired the right, as I understand it, to take advantage of the grant to the extended pierhead line.

Q. Yes. And what did the Cunard Terminal Company pay for that grant? A. $50 a foot.

Q. And what then is the average value per acre of the land involved in this sale, including the grant? A. $64,034 per acre.

Q. Now, why do you put a dollar seventy-five cents a square foot on the terminal yard of the New York Central, which is at the rate of $76,230 an acre? A. Because the New York Central

yard has improvements on it. In other words, it is a fully developed yard. It is bulkheaded, dredged in front of the bulkheading; it has piers on it that run back 1,200 odd feet; it is graded, it is drained; developed in every way, with a ferry at one end and a ferry at the other end, which has ceased to operate, I believe, for the last six or seven months, but there were two ferries on it.

Q. Do you subscribe to the theory that there is a difference in value between improved and unimproved land of $10,000 an acre? A. At least ten. I think it would run slightly more. My experience shows me it runs more, but I will say ten or twelve thousand would be about right.

Q. What do you mean by your experience shows you? A. Well, I know the cost of other land to develop that same way; that is, to fill it and bulkhead it, grade it.

Q. Well, is that a matter of inquiry, or matter of actual experience? A. A matter of inquiry, that I wanted to be satisfied myself in the matter of this yard. Associated with me in this work was an engineer and also an assessor up there, and he also gave me that same information. I wanted that information, and that was his part of the job and that is what he told me.

Q. Now, Mr. Singer, will you compare this New York Central yard with the lands involved in the two purchases by the New York State Realty & Terminal Company as to location? A. Well, the land of the New York State Realty & Terminal Corporation, which was sold by the Edgecliff and the Lord Construction Company, is property a short distance north of the northerly part of the West Shore yard. It is entirely water front property in its original state, ex-

cept on the one parcel which was formerly the Woodcliff there was a dock.

Q. Well, in your opinion which is more favorably located? A. The New York Central.

Q. As to surroundings and access from land which has the better development? A. The New York Central. This other property hasn't very good access, has poor access.

Q. How is the access from the water? A. Well, it isn't as good as the New York Central. It is further up the river. Otherwise I guess it is the same.

Q. In arriving at your valuation of the New York Central yard, and comparing it with sales, have you accepted the depth of water as shown by the map here in evidence? A. No. I have been guided by that but I understand that the depth—from my inquiry from the man that I was working with on this, the engineer tells me that the depth there is 30 feet, and that has been the testimony I have heard here.

Q. What do you mean? Rather than—well, isn't it shown 30 feet here (indicating map)? A. Yes, 33—yes, that is about right. I couldn't see the figures from here.

Mr. Bain: So the map is right?

The Witness: I guess it is about right, yes.

Q. And in determining your valuations, you accepted the depth of water as indicated by the map of the waters in front of the Central yard? A. Well, that was my understanding of the depth, 35 feet, 30 to 35 feet all the way up there.

Q. What was the physical condition of the lands involved in the New York State Realty & Terminal

purchases at the time of the purchases? A. As I said before, it was land under water, and the only improvement that was on it was an old dock that the Woodcliff Lumber Company had on there, that is the Woodcliff Land and Improvement Company, used by the Woodcliff Lumber Company, a dock worth about $10,000, to my estimation. I appraised it I think on two different occasions, and that is the amount I put on it.

Q. And in your opinion were those two sales made at market value at the time of the sale? A. I should say so.

Q. And what do you determine the value per acre to be? A. Of this New York Central?

Q. The New York State Realty Company? A. Why, there were two values in there on account of the acreage, but my understanding of the transaction is that it was based on a front foot, the sale was based on, and that absolutely carries out from the calculation; it was a million and a half for a thousand feet, $1,500 a front foot.

Q. If the lands involved in the New York State Realty & Terminal Company were developed to the same extent as to filling and bulkheading as the lands of the terminal yard of the Central Railroad Company, would they be of about equal value? A. I wouldn't say equal, they are comparative; the West Shore is better; further down the river.

Q. What do you say as to the lands involved in the sale of Shamberg to the Luckenbach Terminal Company as compared with the New York Central Railroad as to location? A. As to location?

Q. Yes. A. I subscribe to the same theory; the further north the less valuable.

Q. And how do those lands compare in surroundings and development? A. The Shamberg property was very similar to this northern piece, the 600 foot piece of the Lord Construction Company to—rather the Edgecliff Realty Company to the New York State Realty. The only thing it had on it was an old pier, the old Bulls Ferry ferry, that didn't amount to much. I might say that I had this property before the County Board on that very thing, and they engaged me—

Mr. Bain: I object to a statement of what the County Board did. That is a matter of record.

A. (Continued.) They engaged me, they placed an assessment of $30,000—

Mr. Bain: Who did?

The Witness: The local assessor.

A. (Continuing.) —of $30,000 for improvements, and the only improvements that I found on the property were some woodsheds down along the river road, an old shed up in the abandoned quarry up the hill, and this dock, this old Bulls Ferry dock. That was reduced to $20,000; a $10,000 reduction.

Mr. Bain: You are speaking of the Shamberg property?

The Witness: Yes.

Q. Now, in your opinion, what was the average price per acre for the land involved in this Luckenbach purchase?

Mr. Stallman: That is objected to on the ground that the price per acre of a purchase is not the subject of opinion.

Mr. Stout: I stated the question as I did because this land had upon it some old structures, and it seems to me that the witness in order to arrive at the value of the land must deduct from the total purchase his opinion of the value of the improvements to arrive at the valuation of the land.

Mr. Stallman: And I submit that we should have the price paid and deduct it, and then have the witness state the amount of his valuation of the improvements.

Mr. Stout: All right, have it your way. I don't want to have any conflict over it. I simply want to get the fact.

Q. If you can answer Mr. Stallman's question, give him the valuation? A. You mean to deduct the amount of the improvements?

Mr. Stallman: What was the total price paid?

The Witness: One million—the total price paid was $1,750,000.

Q. And that was at how much per acre for the property?

Mr. Stallman: I object to that question because as in the Cunard property that property besides the land carried with it the right to acquire the riparian grant, which cannot be divided into per acre of upland.

Mr. Stout: All right, so as to get along.

Q. Then, what did the Luckenbach pay per acre for the land involved in that purchase, including the grant?

Mr. Bain: The Luckenbach people didn't pay any price per acre for the land—

Mr. Stout: Including the grant.

Mr. Bain: —alone.

Mr. Stout: Including the grant.

Q. In other words, what did that land cost per acre, including this right? A. An analysis of that purchase would be as follows: The property purchased from Shamberg April 29, 1920, for $1,750,000. On March 21, 1921, the Luckenbach Terminal, Incorporated, leased from the State the land under water for a term of 15 years at 7 per cent, with an option to convert into a grant, for the principal sum of $1,250,000. This would make a total cost of the property $3,000,000—

Mr. Bain: Wait a minute, what was that leased from the State, one million what?

The Witness: $1,250,000.

A. (Continuing.) This property has a frontage of 1,622 feet on the Hudson River, and has an area of 52.94 acres between the original high water line and the pierhead line. It has a frontage of 1,180 feet on the Hudson Boulevard, and an area of 19.65 acres between the Boulevard and the original high water line, excluding the area of the roads and the railroad—it should be road.

Mr. Bain: What was that area again?

The Witness: This property has a frontage of 1,622 feet on the Hudson River, and an area of 52.94 acres between the original high water line and the pierhead line. It has a frontage of 1,180 on the Hudson Boulevard, and an area of 19.65 acres between

the Boulevard and the original high water line, excluding the area of the road—I mean the river road down in there—and the railroad. This 19.65 acres of upland is subdivided as follows:

Mr. Bain: This is your own subdivision, of course.

The Witness: This is my survey.

Mr. Bain: I mean, you made the subdivision yourself?

The Witness: Yes. I am giving you an analysis of it now.

Mr. Stallman: Now, we object to that. If the question now is what was the average price per acre for the Luckenbach property, it seems to me it is highly improper now to take a subdivision which wasn't made by the buyer or the seller in selling that land and in fixing the price on it.

Mr. Stout: You understand, as the witness has analyzed the sale.

Mr. Bain: What right has this witness got to say that so much was paid for the land on the shore front and so much was paid for the back land?

Mr. Stout: He isn't saying that. He is saying that this piece of land with this right sold for so much money. It wasn't at an acreage valuation. Now, the—

Mr. Bain: I think he stated it was a front foot valuation.

The Witness: I didn't say anything of the kind.

Mr. Bain: Then I am mistaken about that.

Mr. Stout: Well, he is generally mistaken.

Mr. Bain: Then, how was it?

The Witness: This was paid for the gross total value, $1,750,000. That is all.

Mr. Stallman: I would like to make the suggestion, if the Board please, that it now appears of record that there was a total price of $3,000,000 paid for the total area of 72.59 acres, excluding the right of way? Is that right, Mr. Singer?

The Witness: Yes.

Mr. Stallman: Now, won't you put on the record at this point the average price per acre that those figures—

The Witness: Well, that wasn't the sale. You are talking now of a grant subsequent to the sale. I am trying to give you the sale.

Mr. Stallman: We object to any acreage figures on the sale as long as that carried with it the right which inhered in that property inseparable with it to acquire the riparian grant which cannot be divided into a price per acre, or make it comparable with water front properties that included the riparian grant.

Mr. Stout: I respectfully insist that the witness having been accepted as an expert has the right to analyze this sale to arrive at what he considers was the selling price of the property at the time of the sale.

The President: True.

Mr. Stout: This property being made up of different classes of property.

Mr. Bain: If this is to be considered as a sale—

Mr. Stout: Yes. You have got it in as a sale, but he has analyzed it.

Mr. Bain: —it seems to me that the witness's version of the sale that wasn't the version of the parties to it, is entirely immaterial.

The Witness: Well, I add anything to tell you that I did this very work for Gaede & Gaede, the representatives of the owners?

Mr. Stout: You can't add anything to satisfy them. I insist, as I said before, that the witness—

Mr. Bain: I think the Board has permitted the question, Mr. Stout.

Mr. Stout: All right.

The President: You may answer.

A. This 19.65 acres of upland is subdivided as follows: 5.40 acres between the Boulevard and the edge of the quarry, there she drops down very abruptly, 3 acres between the railroad and high water line, 11.25 acres of side hill and quarry. I value this upland as follows:

Mr. Stallman: That is objected to as being immaterial and incompetent on this hearing.

The President: What? The value?

Mr. Bain: The witness's valuation of the land.

Mr. Stallman: A subdivision of areas and values that do not appear in the instrument,

which is the only competent evidence of the transaction; purely a personal notion that did not affect the seller by any evidence before this Board.

Mr. Stout: Why, may it please the Board, Mr. Stallman and Mr. Bain permitted their witnesses to analyze sales and put their value upon them which did violence to the selling price of the property.

Mr. Bain: We don't admit it.

Mr. Stout: You don't admit it?

Mr. Bain: It isn't so.

Mr. Stout: You don't have to admit it. The record does it for you.

The President: The question is allowed. The objection is overruled.

A. 5.40 acres or 47 lots on the boulevard, 25 by 200 feet in depth, each $2,000, or $94,000. 3.00 acres between the railroad and shore line at $50,000, $150,000. 11.25 acres side hill and quarry, at $10,000, $112,500. Total $356,500. Land under water, 52.94 acres at $50,000 an acre, $2,647,000. Total $3,003,500—total valuation.

Mr. Stallman: Three million what?

The Witness: Three million, three thousand and five hundred dollars.

Q. And, in your opinion, as to the difference in value between the Luckenbach property and the terminal yard of the New York Central the difference is indicated by your appraised values of each property? A. Yes. I want to say this, that this Luckenbach property sold for $1,715 a front foot.

Mr. Bain: How much?

The Witness: $1,715 a front foot.

Q. Well, what do you want to say that for? A. I want to do that to substantiate or strengthen this selling here of a thousand feet because when—that is why I took this price into consideration with this (indicating on map), to confirm my opinion that if that sold for $1,715 a front foot up there and $1,500 here (indicating), that this must be at market value (indicating).

Q. You consider the Luckenbach purchase to be at market value at the time of the sale? A. I sure do, and there wasn't a better man informed on water front property on the Hudson River than Shamberg, and I know him.

Q. You say that you have made appraisals of the value of the Luckenbach property? A. Yes.

Q. For whom? A. Well, I appraised it about eight years ago for the municipality. At that time it was a tax matter and didn't get anywhere, but I made the appraisal.

Q. Well, was the condition of the property then about the same as it was at the time of the sale? A. Yes. The old quarry was going on. But I did make an appraisal after the purchase by the Luckenbach people. Mr. Gaede employed me and—

Q. You were the appraiser for the Luckenbach people, were you? A. Yes, their representatives. He said, "I would like to get an idea of just what they would get in there," and he said, "Go up and look at that property," and "What do you appraise this upland at? Give us an idea of just what you think this thing really does show."

Q. And this analysis of value which you have given us here this morning is the analysis which you made at that time? A. Yes.

Q. How did you arrive at a valuation of 35 cents a square foot or $15,246 per acre for the slope lands involved in this West Shore terminal yard? A. (Refers to map.) I appraised for the Township of Weehawken—they have a causeway, that is, running up from Clifton road, if you will look here (indicating), and close out about in here somewhere. It isn't on their property. It is property that belongs to Rutherford Walker, or a company that he controls. Rutherford Walker is the man that claims to control the property, and the Township Committee called me down there one evening and said, "Give us an idea of that, will you? We don't own it and we would like to get this thing settled," they said, "We would like to get it off and get through with it." So I did.

Mr. Bain: Just a minute. I object to any statement by this witness of his appraisal of some other property for somebody else if the witness proposes now to state his appraisal on the ground that it is entirely immaterial.

Mr. Stout: Just a minute. We won't waste any time with it then.

Q. Then, you made a study of values in that locality, did you? A. I made a study of 24 years in that locality.

Q. I mean, at that time you made a particular— A. Yes, this, I made a study.

Q. And the information and the knowledge that you acquired in making a study of the land in that

locality you used when you came to appraise this property known as the slope lands of the New York Central? A. Yes.

Q. After arriving at your square foot or average valuation per acre of the New York Central yard exclusive of the slope land, you applied that average rate per acre to the various tracts as they have been determined by the State Board for the purpose of assessment? A. As they have been subdivided here, yes.

Q. Now, we will take up the lands— A. I want to say one thing more to substantiate my valuation, if you want it; if you don't want it, I don't care.

Q. You valued the main stem in the New York Central terminal yard at the same valuation per acre as the other lands involved in this terminal tract? A. I did. I made a little distinction though on these three last items here of main stem, 2247, 2257, 2259, 2264 and 2263.

Q. Well, you valued some main stem outside of the yard? A. Yes. Running right north of this property I appraised.

Q. You mean this strip of land running up here (indicating on map)? A. In here, yes; back of the American Cotton Oil; that is there (indicating); Guttenberg main stem—Guttenberg line to Bergen County line.

Q. How did you arrive at that valuation of a dollar and fifty cents a square foot, or $65,340 per acre? A. I made it less than that.

Q. Well, why did you make it less than that? A. Because it was in 1 and that was further up the river. I want to say this, if you want it I will give it to you, if it is any help to this—

Q. Did you value the main stem running from Park

Avenue to Weehawken to West New York line? A. Yes.

Q. And what valuation did you place on that? A. The same as the other, one seventy-five, the same as the yard.

Q. This land to the south of the New York Central Railroad terminal yard, which is indicated here on the map leased to the Cunard Terminal Corporation— A. Yes.

Q. —is that to your knowledge land of the New York Central Railroad, or a holding company of the New York Central? A. Yes.

Q. Do you know anything about the lease of that land? A. Yes. I know it only, of course, indirectly, but I know of the lease and I used it and considered it when I was appraising, making appraisals here.

Q. Well, what is the source of your knowledge as to that lease? A. Well, I got it from Mr. Asker, former attorney of Weehawken, and Dr. Fasola, both friends of mine, and Dr. Fasola has a friend over at the Terminal Company and there is where I got the information.

Q. And the information that you got in respect to the amount of rental for that land also helped you, did it, in arriving— A. Oh, yes, I considered that.

Mr. Stout: I suppose he will object to the rental of that.

Mr. Bain: I certainly will. I object to any statement of the rental of any other property as evidence of the value of the property under review.

Mr. Stout: Then, I respectfully request that the railroad attorneys be directed to produce that lease.

Mr. Bain: The attorney for the New York Central isn't here, Mr. Wall.

Mr. Stout: Well, we will let it go to a later date.

The President: You have made that motion, have you, Mr. Stout?

Mr. Stout: Yes.

The President: All right. We will consider that in conference.

Q. Now, we will take up the lands of the Delaware, Lackawanna & Western here under consideration. Mr. Singer, did you appraise the lands of the Delaware, Lackawanna & Western Railroad Company, the valuation of which is here under review? A. I did.

Q. And those valuations were made up as of what date? A. January 1, 1921.

Q. And this paper which I show you is the respective appraisals of the various tracts of land involved (showing paper to witness)? A. It is.

Mr. Stout: I offer in evidence the appraisal of Charles Singer, Jr., as to the lands of the Delaware, Lackawanna & Western Railroad Company here under review.

Paper above referred to received in evidence and marked S14.

Q. Mr. Singer, what, in your opinion, was the fair market value of the terminal yard of the Delaware, Lackawanna & Western Railroad Company as of January 1, 1921? A. $108,900 per acre, or $2.50 per square foot.

Q. Did you place the same average valuation per acre on the whole yard? A. I did.

Q. You did put a higher valuation upon the upper ferry basin? A. Yes.

Q. But that is not comprehended— A. I am talking about the yard now.

Q. Yes, the yard. And you put the same valuation on the lands of this yard which are located in Jersey City as you did those in Hoboken? A. Yes, I did.

Q. And then you applied that square foot or acreage valuation to each parcel as it has been subdivided by the State Board for assessment? A. I have.

Q. How did you arrive at that valuation? A. Well, I considered all the sales of property on the Hudson River. I particularly had in mind the three sales in the northern part of the county which helped me come to a value of the West Shore yard, and after I got a unit of an improved piece of property in the West Shore I began to compare that with other similar developed piece of property further south. Then, of course, I had to keep in mind the sales of the Ocean Steamship and the Manor property. I also considered the sale of the International Steamship Company, that is, the American Coal Company to the International Elevating Company. I kept that in mind, and I analyzed those sales, and after considering all of that, the next thing for me to consider was what greater value has the Delaware, Lackawanna & Western Railroad got as regards location as against the West Shore. Now, it is in a more intensely developed part of the City of Hoboken. It has better accessibility than the West Shore. The West Shore has rather poor accessibility on account of the high grades leading to it, and the development in the back

of it, but here you have got the intense development of the city to the north and to the west, and then you are close to Jersey City, and there is industrial development in here (indicating), and you have got a trolley terminal here that leads all over Hudson County, right up to the ferry. You have got the tubes that lead wherever the Hudson and Manhattan tubes do, which gives it that advantage, and then you have got Ferry Street along in there, a large frontage on Ferry Street, and you have got this frontage on Henderson Street, you have got this frontage on Sixteenth Street, Provost Street, a little bit; and I considered all that and I said to myself that this property has a greater value than the property of the New York Central to my mind of at least 50 to 60 per cent, but I will say 50 per cent and I applied a 50 per cent percentage. Now, that is my own judgment of it. To express a thing in percentage I realize some man may say, "Well, why didn't you make it 40, or why didn't you make it 60," but I say that was my measurement.

Q. You say you also considered these two sales, one of the Manor Company and the other of the Ocean Steamship Company, to the Delaware, Lackawanna & Western Railroad Company? A. I did. But, of course, they were in 1916.

Q. Yes. The one was 1915, December 29, and the other March 26. And I am also a firm believer that this water front property from 1918 to 1921 took a decided rise in value, and I had to take this for what it was worth at the time, and I accepted that as sales at market value.

Q. You think those two sales to the Delaware, Lackawanna & Western were at market value at the time of the sale? A. Yes. From my valuation it seems to be a fair price.

Q. Did you compare the lands involved in those two sales with the lands involved in the Cunard purchase and the purchase by the New York State Realty & Terminal Company and the Luckenbach purchase? A. I went over all that land.

Q. Well, if anything, what did that manifest to your mind? A. Why, it manifested that great increase.

Q. Between what, 1915 and 1916 and 1920 when those latter sales were made? A. Oh, I should say from what I could—I think the increase took place about 1919, the first real evidence we had of increased value of water front property was the sale of the Woodcliff Land Company. Prior to that, the only sale that I had that had any influence on me was, of course, the sale that you have referred to here of the property that is under lease, the King property, south of Clifton road. That property was sold for in about 1911 for two million dollars. Then the County Board immediately took action and had the property assessed at two million dollars, and the township employed me and said, "Here is the situation, now. These people are objecting to this assessment," and the railroads filed complaints through some citizen they got in there on I guess about 60 or 70 parcels of property, and—

Mr. Bain: I object to all this. It is entirely immaterial.

Q. I understand you are now relating your sources of knowledge as to the increase in value? A. Yes.

Mr. Bain: I submit the witness—

The Witness: Applying it to this property.

Mr. Bain: Just a minute. The witness is not doing so. What the witness is attempting to do is to state upon this record some proceedings before the Hudson County Board of Taxation.

Q. It is where you got your information, wasn't it, in those proceedings? A. Yes.

Mr. Bain: Information as to what?

The Witness: As to the amount assessed and the area assessed, and employed by the municipality to look into the matter and—

Mr. Bain: I will object to any statement by this witness of matters which are matters of record before the Hudson County Board of Taxation.

Mr. Stout: All right. We won't give them any more of it.

The Witness: I want to show them the reason I put an increase on this land.

Mr. Stout: Well, I understand, but he doesn't want it. Let it go.

Q. Do you know, Mr. Singer, the acreage and the value per acre of the land in that Woodcliff sale—in the King property to the New York Central? A. Do I know the acreage?

Q. The acreage and the selling price per acre? A. I can tell you what I know about it for what it is

worth. I will give you the acreage to a hundredth of an acre, if you want it.

Mr. Bain: Do I understand that the Board is going to consider a sale as far back as 1911 in determining values—

Q. When was this sale? A. 1911 is my recollection of it.

Q. What is the object, Mr. Singer, is it to show increase between that date and 1921?

Mr. Bain: I submit that any supposed increase between 1911 and 1921 is entirely immaterial and irrelevant on the present review.

Mr. Stout: Well, I won't insist on it.

The Witness: It was 1911, May 15.

Mr. Stout: Evidently they don't like it.

The Witness: Well, I have got it for you, if you want it.

Mr. Bain: Well, I prefer to be controlled by the legal rules of evidence.

Q. What do you say about the value of the Erie Railroad yard as of January 1, 1921? Oh, by the way, before you go to the Erie. You didn't tell us how you arrived at your valuation of the Manor property and the Ocean Steamship Company property, which were acquired by the Delaware, Lackawanna & Western in 1915 and 1916, respectively. I want you to tell us how you arrived at your valuation of two dollars a square foot or $87,120 per acre. A. Well, I considered the location of this property, its size, these two parcels are practically one, as they are in one ownership. I compared it with the Cunard sale. I compared it with the International Elevator

Company sale. I compared it with the yard itself, and I compared it with the West Shore. I compared all those elements in my mind and I came to the conclusion it was worth $2 a square foot.

Q. Did you use the sale values of these properties in 1915 and 1916? A. I did.

Q. And you built upon those values, did you, as— A. I accepted those sales as at market value.

Q. How did you arrive at your valuation of $3 a square foot, or $130,680 per acre, for the lands known as the upper ferry property? A. Well, I grouped that in with the ferry, the upper ferry, in making my value of that. It is part of the ferry.

Q. Well, what valuation did you put on it? A. $3 a square foot.

Q. Is that to your mind the point of highest valuation on this Hudson River water front in Hudson County? A. No.

Q. It isn't? Where is your highest point or the point that you consider of highest value? A. Well, of course, it is very hard to say just which is the highest value, but I rather cling to Exchange Place.

Q. Now, then, we will take up the lands of the Erie Railroad. In the Delaware, Lackawanna & Western Railroad Terminal yard you put the same valuation upon the main stem property comprehended in that yard as you did upon the other lands there? A. I did.

Q. Mr. Singer, you made an appraisement of some of the lands or properties of the Erie Railroad Company here under review? A. I did.

Q. And your appraisement or valuation is made up as of January 1, 1921? A. It is.

Q. You appraised none of the main stem outside of the yard? A. No, I did not.

Q. So your appraisement or valuation is confined to the terminal yard of the Erie Railroad Company and the main stem comprehended in that yard? A. It is.

Q. Is this your appraisement (handing paper to witness)? A. Yes, sir; that is my work of art.

Mr. Stout: I offer this in evidence.

Paper above referred to received in evidence and marked S15.

Q. Mr. Singer, what valuation did you place upon this terminal yard of the Erie Railroad Company as of January 1, 1921? A. I placed a value of $2.50 a square foot or $108,900 an acre.

Q. The same valuation that you placed upon the Delaware, Lackawanna & Western Railroad yard? A. Yes.

Q. And I assume that your sources of information and your applications and reasoning are the same as to the Erie Railroad as to the Delaware, Lackawanna & Western? A. The same.

Q. We will now take up the Pennsylvania. You made an appraisement of the Harsimus yard and the main yard of the Pennsylvania Railroad Company here under consideration? A. I did.

Q. And your valuation or appraisal is as of what date? A. January 1, 1921.

Q. And the valuations set forth in your written appraisal is in your opinion the true market value of the lands as of January 1, 1921? A. Yes.

Mr. Stout: I offer this written appraisal in evidence.

Paper above referred to received in evidence and marked S16.

Q. And you also in appraising the lands of the Pennsylvania Railroad Company appraised the Greenville terminal yard of the Pennsylvania Railroad? A. I did.

Q. And also the land at Castle Point? A. I did.

Q. And your valuations in respect to those lands are also included in your appraisals? A. They are.

Q. Which have been received in evidence. What in your opinion was the fair market value of the lands comprehended in the Harsimus yard of the Pennsylvania Railroad Company as of January 1, 1921? A. I place those at the same value as I did the Erie and the Delaware, Lackawanna & Western, two dollars and a half a square foot, or $108,900 an acre.

Q. And the sources of your information and your reasoning and analysis of sales as applied to the Harsimus yard is the same? A. Yes.

Q. As in respect to the Erie Railroad and the D., L. & W.? A. Yes.

Q. What valuation did you place upon the main yard of the Pennsylvania Railroad Company as of January 1, 1921? A. I increased that.

Q. Well, how much? A. Not much, 25 cents a square foot, or $2.75 a square foot, or $119,790 an acre.

Q. Why did you place a higher valuation upon the main yard than you did upon the Harsimus yard of the Pennsylvania Railroad? A. Well, I think that the Exchange Place yard for railroad purposes has about the most strategic position on the river, and it also has the advantage of three minutes to Cortlandt Street, which to my mind is very important. Then it has the intensive development at the back of high-class mercantile concerns, and it is in a part of the city intensely and highly developed, on Exchange Place, very high values along in there, but I didn't let that influence me as to the high values, but the position. It has the very best of access, and I consider that that is the apex of value on the river.

Q. Did you, in considering the valuation of the main yard of the Pennsylvania Railroad Company, analyze the sale of the American Coal Company to the International Elevating Company? A. Yes.

Q. That sale was made in 1916, wasn't it? A. Yes.

Q. And at about $70,000 per acre? A. If they got everything that is claimed here they got by the other side.

Q. Well, as I understand, you are assuming that they did get four and a fraction acres of land? A. I am going to assume that position to keep my reasoning straight, because I couldn't go into it at all if I am going to take a question of doubt into it.

Q. All right, then you accept that— A. I take it and let it go at that. I have checked it up, and the State Board of Commerce and Navigation says they haven't got it, but I am not going to—

Mr. Bain: I object to that and ask that it be stricken out.

The Witness: Well, strike it out.

Mr. Stout: Yes, strike it out.

The President: It may be stricken out.

Q. Go ahead. A. Well, you asked me if a considered it. I did.

Q. Well, now, give us your analyses of that sale. First, let me ask you whether you considered that to be a sale at market value at the time the sale was made? A. I do.

Q. And do you, or are you of the opinion or belief that there has been an increase in the value of shore front property at that point on the Hudson River since 1916? A. Most positive.

Q. And why do you say that? A. Because my study of the sales demonstrates that very clearly to me.

Q. And what do you think the increase has been at that point? A. I think the same rule that I applied at the Delaware, Lackawanna applies there, 50 per cent.

Q. Do you consider the land involved in the purchase of the International Elevating Company as valuable as the main yard of the Erie? A. I do not.

Q. Now, we go down to the Greenville yard. Tell us how you arrive at the value of 70 cents a square foot or $30,492 per acre for the lands com-

prehended in this Greenville yard as of January 1, 1921? A. Well, I considered all the sales that I could find on the New York Bay.

Q. Will you tell us what sales you found down there that were the most helpful to you? A. The sales that I found most helpful to me were the sales at the Hook, the sale of Andrus to the Standard Oil, 45.045 acres at $25,000 per acre, and the sale from the Lehigh Valley to the Standard Oil, consideration $2,821,448, for 147.949 acres, at $19,000 per acre. That is what largely influenced me in placing a value on the Pennsylvania yard. Of course, I also had in mind the purchase by the American Radiator Company in 1919, of four acres from the State, without bulkhead rights; I considered that, too.

Q. Did you also consider the sales in the schedule of sales of New York Bay water front properties which were offered in evidence by the railroads? A. I did. Among them I considered principally the Morris and Cummings tract.

Q. Did you consider the Livermoore-Blair tract? A. Yes. I considered those five sales in there (indicating).

Q. And after making a study of those sales, what comparisons, if any, did you make with the Greenville yard of the Pennsylvania Railroad Company? A. Well, take for example the sales that you have just handed me the sheet of here, of the Lehigh Valley.

Q. You mean now the lands of the Lehigh Valley Harbor Terminal Railway Company adjacent to the lands of the Pennsylvania Railroad company known as the Greenville yard? A. Yes, that is it. You have the Morris and Cummings sale here at $8,853; the calculation I had on it was closer to $9,000, but I

will suppose it is that, unimproved land and back land. And Vreeland, $7,545, I think that was low. Welch, Blair, $5,340, I consider that was low in the face of this sale here for a larger amount, all at the same time. And I considered that—

Q. Have you made any study of that Blair sale? A. Nothing more than what I have heard by talking to other people about it. I don't know anything more except the investigation that Jersey City made, in the Shaw estate.

Q. Well, from the information that you have obtained as to that sale, do you consider it a sale under the statute?

Mr. Bain: Now, that is objected to.

Mr. Stout: I want to see how he treats it.

Mr. Bain: He hasn't any real information, so far as we know.

Mr. Stout: Well, I am asking him—

The Witness: I considered—

Mr. Bain: Now, just a moment, Mr. Singer. There is an objection to that question.

The President: It is overruled.

A. I considered that sale with the circumstances attending it, and considered that it was low; that is all. My motion of value at the time that this property was acquired, which was April 29, April 26 and June 30, was that—

Q. 1916? A. 1916, was about $9,000 an acre.

Q. And you are of the opinion that there has been an increase in value at that point since 1916? A. All along the Bay section here. I think there is more of an increase than on the Hudson River.

Q. Did you, in arriving at your valuation of property located on New York Bay, compare them with lands fronting on the Kill van Kull, in Bayonne? A. No. I considered the sales and what they obtained for them, but I don't think they are comparable.

Q. Why not? A. Well, because the Kill van Kull has a deep water condition right in front of it, more intensive use, these sales have had right in here, whereas here—

Mr. Bain: Well, by sales "right in here" what do you mean?

The Witness: Well, I will give them to you, if you want them. You have got them on the map.

Mr. Bain: You mean on the Kill?

The Witness: Yes.

Mr. Bain: That is all. I just wanted to get your designation of them.

Mr. Stallman: "Here" doesn't mean anything on the record, Mr. Singer.

The Witness: Well, sometimes I have a way of indefinitely expressing myself. But I pointed there and I thought you had me.

Q. Did you consider the sale of the New York Bay Railroad Company to the Lehigh Valley Railroad Company of these back lands in 1920? A. No, no; I did not. My recollection is they were selling at fifteen thousand an acre. I know of them but I didn't—

Q. You relied upon the Andrus sale and the sale of the Lehigh Valley to the Standard Oil, and the acquisitions by the Lehigh Valley Harbor Terminal Railroad Company in 1916 of its terminal yard? A.

And, of course, I want to make plain that I added to this yard the improvement. One is a developed yard and the other—this is in the development, and so is this (indicating on map).

Mr. Stallman: Now, when you say "this," won't you say what you are referring to?

The Witness: The sale of the Lehigh Valley to the Standard Oil is in development.

Q. Is unimproved property? A. Yes.

Q. And the Greenville yard is improved property? A. Perfectly improved property.

Q. And what difference in value do you make between improved and unimproved property in that locality?

Mr. Bain: Objected to on the ground the witness is not qualified to testify as to cost of improvement.

Mr. Stout: Well, I am not asking him the cost of improvement.

Q. Based upon your experience and the study of sales, what, in your opinion, is the difference in the selling value of unimproved and improved property in this locality? A. Anywhere from ten to twelve thousand dollars an acre. I want to say, too, that this property has a channel (indicating), and I gave it consideration for that; it has a 20-foot channel into it; it has access.

Q. Yes. A. Castle Point.

Q. Now, refer to the property of the Pennsylvania Railroad Company at Castle Point and tell us what, in your opinion, was the fair market value of that

property on January 1, 1921? A. $2 a square foot, $87,120 an acre.

Q. You put that at the same valuation per square foot and acre as you do the lands comprehended in the sale of the Manor Company and the Ocean Steamship Company to the Delaware, Lackawanna & Western? A. Yes.

Q. And I assume that the same sources of information and reasoning and applications apply to the Castle Point property as you used in respect to the Manor and Ocean Steamship Company properties? A. Yes.

Q. Mr. Singer, you have appraised or placed a valuation as of January 1, 1921, on certain parcels of land of the Lehigh Valley Railroad Company here under consideration? A. I have.

Q. And are those valuations the true market value of the property in your opinion as of January 1, 1921? A. They are.

Q. And this paper which I show you sets forth those valuations (showing paper to witness)? A. Yes, that is right.

Mr. Stout: I offer in evidence the appraisals of Charles Singer, Jr., as to certain parcels of land of the Lehigh Valley Railroad Company here under consideration.

Paper above referred to received in evidence and marked S17.

Q. Mr. Singer, what valuation did you place upon Lot 45c, in Block 2145?

Mr. Bain: That is stated in the schedule, isn't it, Mr. Stout? Is there any necessity for having him repeat it?

Mr. Stout: It is only to call his attention to it, that is all.

Q. How did you arrive at your valuation of a dollar and fifty cents a square foot or $65,340 per acre of lands known as Lot 45c, in Block 2145? A. I considered it as I did in the other cases—all the other sales, the sales on the river, and compared the properties.

Q. What, in your opinion, is this property most nearly comparable with of any of the shore front property that you have considered? A. Well, comparable exactly it isn't with any of them, but I would say with the Central Railroad of New Jersey, and considered all the railroads, the Pennsylvania, the Erie, they are all on the river, but this piece of property faces the channel, it isn't like any of these others, it faces directly on the river, so that I made a reduction on that account.

Q. And you also place the land consisting of 10.100 acres in the same lot and block at the same valuation? A. Yes.

Q. Now, will you tell us just what land you placed a valuation of two dollars a square foot on, or $87,120 per acre, as of January 1, 1921? A. 38a and 45a, in 2145. Now, the schedule I was handed for work indicated that there was 38.380 acres, but I calculated it on a basis of 30.534 acres, because I excluded the channel, which is the property of the Morris Canal Company, that is the basin, the channel running in there.

Q. Now, the main stem running through these tracts, you place at the same— A. Valuation.

Q. —valuation per acre as you do on the rest of the lands comprehended in these yards? A. They are.

Q. And as to the land known as the National Storage Company property down on Newark Bay, how did you arrive at a—

Mr. Bain: New York Bay. You said Newark.

Q. New York Bay, how did you arrive at your valuation of $30,500 per acre? A. Well, I took into consideration the same rule that I have in the Pennsylvania terminal.

Q. Greenville yard? A. Greenville yard. I compared it to the Greenville yard as a finished product, and I, of course, kept in mind the sales down at the Hook, and the sales of the Lehigh Valley property north of the Pennsylvania, and I put it—I give it 70 cents a square foot or $30,500 per acre. I want to say this: I think that this property, as far as location goes, is better than this property (indicating).

Q. You mean by "this property"— A. The Pennsylvania property.

Q. The Greenville yard? A. Yes. I think the National is in a better location than the Pennsylvania. But the Pennsylvania is a larger developed parcel, can be put to better use, and this is in a restricted use, inasmuch as there isn't so much of it.

Mr. Bain: I move to strike out the witness's testimony as to which of these parcels can be put to the best use on the ground that he hasn't displayed the slightest knowledge of the use of railroad terminal lands.

Mr. Stout: I will let it go out.

The President: It may go out. It may be stricken out.

Q. You consider those two properties, the National Storage Company property, and the Greenville yard of the Pennsylvania Railroad Company, for selling purposes to have about the same value? A. Yes.

Q. Mr. Singer, you have made an appraisal of certain parcels of land of the Central Railroad Company of New Jersey here under review, have you? A. I have.

Q. What, in your opinion, was the fair market value of the terminal tract of the Central Railroad Company of New Jersey as of January 1, 1921? A. Well, there are different values.

Q. Well— A. You will have to indicate it by acreage, or block and parcel.

Q. All right. The terminal tract consisting of 97.063 acres. A. I placed a square foot value of $1.75 a square foot, or $76,230 per acre.

Q. You consider the land in that terminal yard to be of about the same value as the lands comprehended in the New York Central terminal yard? A. Exactly.

Q. Well, what is your comparison? A. Well, that is just the result of my comparison. I naturally took into consideration all the railroad yards. I began with the West Shore down to the Delaware and the Erie and Pennsylvania, the Lehigh, and come to this land. Now, I consider this portion that I am describing and testifying to now, to be Hudson River property, but as it goes south from there, then it takes on a New York Bay value, rather than a Hudson River value.

Q. This is at the turning point? A. This is right at the—at the gateway, as you come in.

Q. What is the development in New York City opposite this tract? A. Faces the Battery.

Q. What? A. Right at the Battery.

Q. Do you consider the lands in this tract as valuable as the lands of the Lehigh Valley known as the large basin? A. Well, now, you will have to—there is two values in there; that is, do you mean the Morris Canal end of it, or do you mean the Lehigh Valley end of it?

Q. I mean the Lehigh Valley end of it? A. No. This is more valuable.

Q. The next tract adjoining this to the south, consisting of 71,300 acres, you placed a lower valuation on that? A. I do.

Q. And why? A. Because it has then begun to take on the value of the bay.

Q. And you also place a lower valuation upon the land consisting of 84.724 acres? A. I do.

Q. Why do you consider or how do you arrive at a valuation of about $12,000 an acre difference between the lands comprehended in 48d and 22g, in Block 2154? A. This has—it has Ellis Island right in front of it.

Mr. Stallman: Now, which is "this"?

Q. In other words, 22g has Ellis Island in front of it? A. 22g has Ellis Island in front of it, and hasn't as good access as 48d.

Q. And do you consider the irregular shape of 22g? A. Yes.

Q. Are those the things that you base your lower valuation upon? A. I base it principally on the fact that its access is not as good, and it is on this channel

behind Ellis Island, whereas this (indicating) has free access right out.

Q. And you placed the same valuation upon lands known as part of 22j, in Block 2154, consisting of 96.049 acres, as you did upon Lot 22g in Block 2154? A. Yes. That is the new coal dock.

Q. So, in your opinion, those properties are of equal value? A. Yes.

Q. Per acre? A. Yes. While—yes, that is right, equal value. This one, of course, has the advantage of being slightly farther north, but this has the advantage of—

Q. Now, then, you mean— A. The 96—

Q. You mean that 22g has the advantage of being a little farther north, while part of 22j has what advantage? A. Give me the coal dock, that is what I want.

Q. That is the coal dock. A. Yes, that is the part of 22j; that has a restricted approach.

Q. And you have placed the same valuation upon the main yard which runs through the terminal tract as you did upon the other lands involved in the terminal tract? A. The main stem, you mean?

Q. The main stem. A. Yes.

Q. You valued a piece of main stem land down in Bayonne? A. Yes.

Q. Consisting of 2,000 feet back to—what is that, Second Street, Bayonne? A. Yes. That is part of the Port Johnston.

Q. Oh, that is part of Port Johnston. And that is the main stem— A. In Port Johnston.

Q. The main stem in the Port Johnston yard? A. Yes.

Q. Will you tell us how you arrived at your valuation of $30,500 per acre for the lands of the Central Railroad Company, at Port Johnston? A. Well, I kept in mind the sales along the Kill van Kull here; but what seemed to influence me the most in putting that price on this property were the sales by the Central Railroad Company to the Tide Water Oil Company; a sale there of $35,000 an acre, and that is what —and then there is a lease over here to the White Oil Company, 15 acres.

Q. Well, by "here" you mean— A. Over here, on the Central property (indicating).

Q. Well, is that to the south or to the west? A. To the west, you would call it, at $30,000 an acre.

Mr. Stout: I offer in evidence the appraisal of certain properties of the Central Railroad Company of New Jersey by Charles Singer, Jr.

Paper above referred to received in evidence and marked S18.

A recess was here taken until 2 P. M.

After recess.

CHARLES SINGER, Jr., resumes the stand.

Cross-examination by Mr. Stallman:

Q. Mr. Singer, I think you have said two or three times that you considered the sale of the property of the Ocean Steamship Company to the Hudson Realty Company as a sale at market value? You said that, didn't you? A. I did.

Q. Do you recall that that sale was made as of December 29, 1915? A. (Refers to paper.) Correct.

Q. You didn't know of that sale at the time it was made, did you? A. No.

Q. In fact, you never heard of it until several years afterward, did you? A. I don't recall just when I did hear of it. I heard of it and my records of sales—I had records but I didn't use them to any purposes of study until recently.

Q. Until you got into this case? A. Well, not this case, I have been at this a year ago.

Q. You mean getting up your appraisals for these properties? A. For this (indicating).

Q. Yes. A. No, not these properties. It was some of these properties.

Q. Well, the first consideration, serious consideration, you ever gave that sale was in connection with the third-class appeals of last year? A. The first serious consideration that I gave to that sale, I think, was about a year ago.

Q. Now, when you say that that sale was at market value, where did you get your ideas of market value? A. From all the sales on the river front.

Q. And what sales had been made which led you to the conclusion that that was a sale at market value? A. Why, the list of sales you have right here (indicating).

Q. Now, just listen to my questions, Mr. Singer. That sale of the Ocean Steamship Company to the Hudson Realty Company was made on December 29, 1915? A. Yes.

Q. Which you say was at market value. Was there a market price for lands of that kind in that locality

at that time, at the time it was made? A. Exactly. that was the market value.

Q. Do you mean that that sale established a market value, or that the sale was made— A. It reflected a—

Q. —or that the sale was made at a market value which existed at that time? A. That is my opinion.

Q. What is that? A. That is my opinion.

Q. That it was made at a market value that existed at that time, at the time it was made? A. Exactly.

Q. Now, on what sales do you base the conclusion that the Ocean Steamship property sale to the Hudson Realty Company was made at a market price, or market value? A. Why, from the sales that have taken place on the river.

Q. After this— A. You are talking of what time now? I am not talking of 1915.

Q. I am. A. Well, I am not.

Q. Now, I ask you—you said that when that sale was made on December 29, 1915, it was made at a market price. A. So I testified this morning.

Q. Existing at that time? A. That is what I testified.

Q. Well, do you know what the market price was at that time? A. That was the price.

Q. And how do you know it was the price, outside of the sale itself? A. Because the property next door to it sold for the same money.

Q. Well, that wasn't until three months later. A. Well, that don't make any difference, the same time, what is three months?

Q. So, that you think then that the market price on December 29, was established by a subsequent sale

made on March 22, 1916? A. I think that it was at market price, according to my judgment and study of river front sales.

Q. Well, I will put it this way: According to my computation, the Ocean property was sold at about $55,000 an acre. Was there any sale prior to December 29, 1915, which fixed that price, or approximately that price, as a market? A. The only sales that we had prior to that price was the King sale.

Q. And where was the King property? A. Right south of the West Shore.

Q. And at what price per acre did it sell? A. It sold for $2,000 a front foot, that is 250-foot.

Q. I say, at what price per acre did it sell? A. Well, I can't give you that. I didn't value it that way. I can only give you the facts.

Q. Then, as a matter of fact, Mr. Singer, you can't tell us what the market price of water front lands in Hoboken was on or about December 29, 1915, except as that market price was established by this Ocean sale, isn't that right? A. No, that isn't right. I say that the market price of that property was reflected in price paid for that property and the Manor property next door, in my opinion.

Q. Have you any facts, knowledge of any facts, outside of your mere opinion that that was the market price? A. Nothing more than the King sale.

Q. And the King sale, you can't say at what price per acre it was sold? A. Oh, I will tell you that, if you want me to figure it, but I am not going to do the figuring, I will give you the facts and you can figure it.

Q. Do you recall the property? A. Yes, I know all about it.

Q. Then, what do you recall as to the acreage price? A. (Refers to paper.) The piece directly south of the Clifton road sold for $500,000 in 1911, and to my mind that was—I want to give you this information, I didn't come here prepared for it, but I want to give it to you if—

Q. Well, I am not asking you, Mr. Singer, for things that you don't know but for things that you do know. A. About 11 acres, I would say. I have it here to the hundredth part of an acre, but I haven't the King map with me to just allocate this particular piece by the letters in which they were subdivided; they were partitioned.

Q. Now, you recall the Manor sale to the Hudson Realty Company, do you? A. I do.

Q. In March, 1916? A. I do.

Q. At about $59,000 an acre? A. I do.

Q. And you consider that was at market price? A. I do.

Q. Do you recall the sale of the American Warehouse Company to the United States, on June 30, 1917? A. I do.

Q. At about— A. 1917?

Q. Yes. A. The American Coal to the International?

Q. I didn't say that. I said the American Warehouse Company to the United States. A. Oh, yes, I know of that.

Q. That was at about fifty-four or fifty-five thousand dollars an acre? A. Yes, but I didn't consider that.

Q. Do you recall the sale on December 30, 1919, from the Woodcliff Land & Improvement Company to the Edgecliff Company? A. Now, let me get that.

The Woodcliff Land and Improvement Company to the Edgecliff? When?

Q. December 30, 1919. A. You are wrong on your date.

Q. Isn't that the date of the deed? A. I don't care about the deed. The contract was made April 30, 1918.

Q. Isn't December 30, 1919, the date of the deed? A. I don't care about the deed. The contract was made April 30, 1918.

Mr. Stallman: I move to strike that out as not being responsive, because I didn't ask this witness for the date of the contract.

Mr. Stout: I will consent that it go out.

Mr. Stallman: All right.

Q. I understood you to say that you considered the market price as that price which a willing seller is willing to accept and which a willing buyer is willing to pay? Right? A. Correct.

Q. Do you recall the sale on March 25, 1920, by Jones, to the Lord Construction Company? A. Yes.

Q. Was Jones a willing seller? A. I guess he was.

Q. Was Lord a willing buyer? A. I guess he was.

Q. And that sale of 14 and a fraction acres at $350,000 then was made at market price, was it not? A. Well, now, you can't judge market price by one sale.

Q. Didn't I understand you just now to say that a market price is shown by a sale from a willing seller to a willing buyer? A. Yes.

New Jersey State Library

Q. That was a case of a sale by a willing seller to a willing buyer, wasn't it? A. Yes, but you don't tell what happened after. When you asked about market price—why, in that same time are other sales. I wouldn't be guided by that.

Q. Let me ask you this, Mr. Singer: When there are two sales on the same day at widely divergent prices, what governs your determination as to which of those prices you will accept? A. Tell me the two sales.

Q. Any of those sales in Weehawken. A. Oh, well, I couldn't do that. I say, give me two sales. You mention two sales. Give me the two and I will tell you all about them.

Q. Well, take the sale of the Edgecliff Company to the New York State Realty Company on March 24, 1920. A. Yes.

Q. And the sale of Jones to the Lord Construction Company on March 25, 1920, the one being at about $64,000 an acre, the second at about $24,000 an acre; those being widely divergent prices, what circumstance governs your determination as to which of those sales is indicative of market price? A. The one that measures up to the number of sales.

Q. The sale of the Woodcliff Land and Improvement Company to the Edgecliff, on December 30, 1919, was at about $24,000 an acre, wasn't it? A. Which is that?

Q. Woodcliff to Edgecliff.

Mr. Stout: Thirteenth on the list.

A. No, you are wrong. You are wrong, Mr. Stallman.

Q. Wasn't it about eighty odd acres for two million dollars? A. Well, I want to tell you;

in the first place, you haven't got your facts on the sheet.

Q. Wasn't it 81 acres at about two million dollars? A. Yes, but you want to take that 81 acres with explanation. If you want to take the whole of it, I will give it to you that way, but I will tell you this, that the consideration you have mentioned—

Q. Now— A. I want to keep you clear.

Q. Just a minute. I will keep clear. I insist upon conducting this examination according to what I conceived to be proper rules. A. I want you to do that but there is no need encumbering this with a lot of argument. If I can give you light on it in one question, I want to answer it. I want to say that you have got the consideration wrong, so that changes the acreage. What is the good of talking about it?

Q. Have you read the deed? A. No, but I have got—

Q. Have you a copy of the deed? A. No, but I have got the facts of the deed. I had my man look it up and I checked the stamps and all that part of it; but I did more than that.

Q. That is enough. A. I did more than that. Want me to go ahead?

Q. No. A. All right.

Q. The sale of Twombly to Lord on March 26, 1920, was at about $27,000 an acre, wasn't it? A. If the facts which are expressed on this sheet which is in evidence are true that would be so.

Q. Have you examined that—

Mr. Stout: Finish your answer.

The Witness: What is that?

Mr. Stout: Did you finish your answer?

The Witness: Well, I want to say this, that—

Q. Well, now, you can either say yes or no. A. Oh, I know, but you want to get a little light on this proposition, don't you? If I come to this record with yes or no, this Board won't get much information.

Mr. Stout: I insist—

Mr. Stallman: I will withdraw that question.

Q. Have you examined the deed of the conveyance by Twombly to Lord, dated March 26, 1920? (Refers to paper.) A. Well, this is what my return on it—

Q. Well, now can't you answer that question? A. I have read the deed at the Court House, if that is what you want to know.

Q. Yes. A. That is what I have done.

Q. Say so then. You read it yourself? A. Yes.

Q. And does that deed show a consideration of $250,000? A. No.

Q. Do the stamps indicate a consideration of $250,000? A. Yes.

Q. Does it show an acreage of 9.14 acres? A. I don't know. It says 400 foot along the river turnpike. That is what I took.

Q. Does the deed show an acreage of 9.14 acres? A. I am going to answer that. I don't know. I will accept that as to those facts. I don't want to dispute them.

Q. Well, now, you say that you examined the deed. Doesn't your examination— A. You can't tell by the

deed. It goes on with a vague description, so many degrees and so many minutes.

Q. And there is no area stated in the deed? A. No. Not that I recall.

Q. Now, you gave us this morning a division of the property sold by Shamberg to Luckenbach, which, according to my computation aggregated 72.59 acres. Did that include the grant from the State of New Jersey for a right to use of the land under water? A. You will have to pardon me, Mr. Stallman. I want to get this right. You say that I read you an explanation this morning of Luckenbach?

Q. Yes. A. Yes. Now, what do you want?

Q. Aggregating 72.59 acres. A. Just a second. (Refers to papers.) 72.59 acres.

Q. And that 72.59 acres cost the gross amount of three million dollars? A. Yes.

Q. And have you computed what that results in per acre on the average? A. $50,000.

Q. Isn't it— A. I want to tell you something, do you mean on acreage? Just a minute.

Q. Isn't it $40,000? A. What?

Q. Isn't it $40,000? A. No, fifty. I want to tell you this—

Q. Well, 75 acres divided into three millions would be just exactly forty thousand. A. Well, I want to tell you this, Mr. Stallman, you are talking about acreage—

Q. Just a minute, let's stick to this question.

Mr. Stout: May it please the Board, I respectfully submit that Mr. Stallman has the right to conduct his examination as he sees fit, but I also insist that Mr. Singer is here as an expert, and that it isn't fair and

I am not going to see that Mr. Singer is run into a hole, or Mr. Stallman can bite off just as much of Mr. Singer's knowledge on the subject as he thinks is desirable for his side of the case.

Mr. Stallman: Now, there is no use of getting into any argument about this.

Mr. Stout: Well, there may be; there may be.

Mr. Stallman: I very courteously ascertained from Mr. Singer that there was a total of 72.59 acres purchased by Mr. Luckenbach, including the grants of land under water, which Mr. Singer testified was acquired at a cost of $1,250,000. And I am now asking this witness whether it isn't a fact, taking the entire acreage acquired, including the lands from the State, including the price paid the State, it doesn't average about forty or say $41,000.

The Witness: Now, I am getting your idea. Now, you want me to include or say whether the total acreage which includes the stuff conveyed on the side of the hill and the Boulevard, which is this property—yes; that is a mere matter of arithmetic.

Q. All right. A. Sure. But that isn't the way I analyzed it.

Q. How far is the Boulevard from the pierhead line at that point? A. I will give you a cigar if you will tell me. I don't know.

Q. All right. A. I can't tell you.

Q. Is it a half mile? A. I don't know. I won't guess at it, either. You have got a map. Here is a map to scale.

Q. Just a minute. A. Take the map; it is to scale. I don't know anything about it.

Q. I am asking now, not that the witness be told or refer to any records, I am asking his recollection. A. Oh, I am not going to speculate on that.

Q. Now, I believe you said that you made an appraisal of the Luckenbach property. A. Yes, but I didn't give you—

Q. Then you have— A. Yes, you bet I have.

Q. And you don't retain at this time any recollection of the distance of the Boulevard from the river? A. No, but I would refer you to your map right in front of you and get a rule, and if it is to scale you will have it absolutely correct for the record.

Q. Yes, I knew that sometime ago. A. Well, then, why didn't you do it that way?

Q. Now, in valuing the yard of the Delaware, Lackawanna & Western Railroad Company, don't you recall that the Henderson Street fringe is about 3,500 feet from the pierhead line? A. I judge it is something like that.

Q. And you valued all of that property at an average rate per square foot, didn't you? A. Yes.

Q. The first of the sales in Weehawken, according to that record—I will withdraw that; I asked you that before. Is it a fact, according to your knowledge and investigation, that the sale of the property of the Woodcliff Land Company to the Edgecliff Company, and the resales of the various portions of that property were made on a front foot basis? A. No.

Q. Well, at least the resales were made at about $1,500 a front foot. A. I will agree on that.

Q. Yes. That was the method by which the total value was ascertained. A. It seems clear to me that that must have been, because it comes right out to the dollar, a million and a half for a thousand feet.

Q. And the Cunard property was sold upon a basis of $2,000 a front foot, wasn't it? A. Well, now, how do you mean? Do you mean originally, or afterwards?

Q. The sale to the Cunard Company. A. The original sale? You know they acquired, they brought some afterwards. Now what do you mean?

Q. I am speaking of the 1,102 feet which they acquired from the Delaware and Hudson. A. That was at $2,000.

Q. Do you know of any sales of property of any area over five acres that was sold and its value ascertained by a square foot basis, water front property? A. Do I know of any?

Q. Yes. A. It is a mere matter of method.

Q. Well, now, I didn't ask you whether it was a mere matter of method. I asked you if you know of any sales that were made on that basis. A. Well, the Woodcliff property wasn't sold by any front foot basis, if you mean that.

Q. Well, was the total purchase price of two million dollars, or whatever it was, arrived at by multiplying the number of square feet by any price per acre? A. No, you couldn't very well get a value that way.

Q. You say that you valued the Lackawanna yard taking into consideration particularly the fact that it has in its immediate neighborhood tubes and a ferry,

and a frontage on Ferry Street, and so forth. Is that so? A. Those were elements, yes.

Q. Yes. Does it make any difference, in your opinion, that the southerly portion of the Lackawanna yard is more than half a mile removed from the tube station, and the ferry house, and Ferry Street, and is inaccessible by public highways from those facilities? A. I appraised the Delaware, Lackawanna yard as a whole just as I found it.

Q. Yes. You put a value on that yard, an average value you said of two dollars and a half a square foot, didn't you? A. Yes.

Q. What are the elements with which you computed or obtained an average of two dollars and fifty cents? Did you have some at two dollars and some at three dollars? A. No, I didn't do that.

Q. What do you mean by your use of the word "average"? A. Well, I simply took the number of acres which is put on the sheet that we have of the Delaware, Lackawanna to do this work, and I took my basic unit of two dollars and a half, and that is how I did it; I multiplied it, of course, by 43,000.

Q. You started out with two dollars and a half as a basis? A. No, not as a basis; as a result.

Q. Well, you got the number of square feet and then, taking a factor of two and a half, you multiplied and get this total amount, didn't you? A. Practically, yes. Yes, I did—

Q. All right. Now, you say that two and a half was an average figure? A. I fix that as a figure embracing that whole yard.

Q. Well, what do you understand by the meaning of the word "average"? A. Oh, something that the —you take several values and bring them down to one common denominator or value; that would be average.

Q. All right. Now, what are the elements which you reduced to two dollars and a half? Did you have any $3 element? A. Yes, I have some $3 elements.

Q. Where was that? A. That was at the ferry.

Q. And did you have any $2 elements? A. I am frank to tell you that I didn't treat it in that way. I recognized that the ferry had a greater value.

Q. I take your word for it, Mr. Singer. If you say that you— A. That is what I said. I said, "Here is a piece of property complete," and I treated it that way.

Q. Well, now, I understand that the way you valued the Hoboken yard was that having ascertained a value of the New York Central yard, you looked at the Hoboken yard and said, "Here is a piece of property worth about 50 per cent more." At least that is my record of your testimony. A. No.

Q. You say that you didn't say that? A. I didn't say that the way you say it.

Q. Now, what did you say about the Lackawanna yard and the New York Central yard, and 50 per cent more, than you thought that it was about 50 per cent more in value? A. I said that in making up the value of the Delaware and Lackawanna yard, I took into consideration all the sales that I knew of on the Hudson River, and I studied and considered those sales. Then I principally took the four sales close to

the West Shore Railroad; that was the Cunard sale, the Edgecliff, and Lord to the New York State Realty Company, and the Shamberg, and I came to what I thought was a fair value per square foot of the West Shore yard, and then I placed a value on the West Shore yard. Now, after I had taken a complete piece of property, a piece of railroad property, that was the nearest that I could find comparable with another railroad yard, and I said, "Now, here is something that will guide me when I get to the next place," after looking at all of these different values, and then I went down to the Delaware, Lackawanna & Western and I—

Q. Well, now, without making such a story about it— A. Don't you want the explanation?

Mr. Stout: Go ahead.

Q. All I am asking you is did you say that the Lackawanna yard was worth 50 per cent more than the New York Central? A. I told you I didn't say it that way.

Q. Well, did you say that in some other way? A. Yes, I am trying to tell you how I said it.

Q. Now, did I understand you to say that the Pennsylvania terminal, at Exchange Place, was the most valuable because it had the most strategic location? A. That is my theory of it.

Q. And you believe then that the Exchange Place has a higher value than Ferry Street, Hoboken, don't you? A. I really do.

Q. And you know that Ferry Street in Hoboken has a greater value than Fourteenth Street in Hoboken, don't you? A. Oh, yes.

Q. What is that? A. I know that.

Q. Yes. Well, now, taking Exchange Place at a figure of 100, representing the apex, at what percentage would you put Ferry Street in Hoboken? A. I am not prepared to go into that stuff.

Q. Well, about 80 per cent? A. Oh, I am not going to go into that. If you want to get anything like that and you give me time I will work it out for you, but I am not going to guess at it.

Q. I am not asking you to guess, but you said that you thought that Exchange place, by reason of its intensive development, and high class mercantile and commercial surroundings, was the most strategic property and represented the apex of value on the river. A. I do.

Q. Now, you have just told me that you consider, because of those conditions, that the Pennsylvania Exchange place property is worth more than the property at Ferry Street, at Hoboken. A. I do.

Q. Well, now, have you in mind any ratio of difference— A. I couldn't figure it in ratio, and I wouldn't attempt to do it.

Q. That is, if you considered this Pennsylvania property as being the apex of value at a hundred, or a hundred per cent, and the Lackawanna property, at Ferry Street, not so valuable, is it approximately 90 or 85? A. I don't know. I don't want to speculate on that.

Q. That isn't speculation. I am asking your judgment. A. I know. You are only asking me a question now to ball me up, and I am not going to get in that position.

Q. I am not trying to ball you up. If I tell you that I think you are a shorter man than Mr. Dunham— A. I will agree, yes, right off.

Q. I could say there is probably a difference of five or six inches. A. Oh, that would be an easy thing, but not what you are giving us there.

Q. But when you as a real estate expert tell us that the Pennsylvania property is worth more than the Lackawanna property per square foot or per front foot, and then I say about how much, either in dollars or percentage, you say that you won't tell me. A. I didn't do that at all. I did tell you, or else you didn't follow the record.

Q. Well, about how much difference do you think it is? A. I told you, if I recall—

Q. Well, you valued the Pennsylvania at two seventy-five and the Lackawanna at two and a half. A. Now, you have got the percentage.

Q. Well, that is about ten per cent, isn't it? A. Well, that is about right.

Q. You say it is about ten per cent difference? A. That is the idea. That is the difference.

Q. Now, you say that Ferry Street in Hoboken, the Lackawanna terminal, is worth some percentage less than the Fourteenth Street ferry property. Is that about 14 per cent less? A. Let me get that question? I said what?

Q. That the Ferry Street downtown Hoboken property of the Lackawanna is not worth as much as the—more than the northern end of Hoboken. A. Now, do I understand you to mean ferry to ferry—

Q. The property at Ferry Street, or I guess it is Hudson Place, in the lower end of Hoboken, is generally of a higher value than the property at the end of Hoboken. A. Now, which do you mean? A. I want

to get it right. Do you mean comparing the Fourteenth Street ferry of the Delaware and Lackawanna, and then taking the location at Christopher and Barclay as a ferry—

Q. That location. A. As a ferry. Now, I am not asking about values here.

Q. I am talking of values generally. A. I am talking now of ferries.

Q. I am talking of land on the river front as to relative location. A. I am talking of the two ferries. Now, do I understand what you desire or not? Do you know whether the Delaware, Lackawanna & Western ferry is worth more than the upper ferry? Is that the way you want to express it?

Q. Well, I don't like to use the word that the ferry is worth that much for this reason, that that involves the valuation of franchise and a whole lot of other things. I am asking you whether or not the land fronting on the river at the lower Hoboken ferry is worth more than the land fronting on the river at the upper ferry? A. That is a better question. That is a clearer question.

Q. Yes. Well, is it? A. I have an idea that the ferry down at Hoboken is worth a little more than the Fourteenth Street, but—

Q. Now, about how much? A. One minute now.

Q. About how much? A. I don't know.

Q. Well, would you say there is about the same relative difference between Exchange Place and Ferry Street, about 25 cents, or ten per cent? A. Now, I don't know. I will answer this question that you have asked me, however. I want to respond to your questions. In that little

strip that is in this review I put $3 on that a foot, and I did that because I thought that was coupled with the Fourteenth Street ferry. Now, you don't think that I put $3 up there against the Fourteenth Street ferry and $2.50 down below without a reason. I had some reasoning process when I did that, but I made the two and a half down below because I coupled it up with the railroad yard as one whole business and let that absorb that value. But if I am to take and reason two ferries, then I will give you a different process of reasoning. Isn't that logical?

Q. Did I understand you to say that you considered the sale of the International Elevator property, the purchase of the International Elevating Company from the American Coal Company at market value? A. When?

Q. The sale was made about 1915, I think, or 1916. A. Well, I mean if you say did I consider that sale in June 24, 1916, from the American Coal Company to the International Elevator Company at market value, you are going to get up against the old question; I am going to say one thing and you are going to say another and—

Q. You said that was at market value, didn't you? A. I think so. I am going to do that to get over this thing, that is all. There is a cloud in it, but I don't care anything about it.

Q. How soon after that sale did you have any knowledge of it? A. I can't tell you, Mr. Stallman.

Q. You did not know of it at the time it was made? A. I know of all these sales. I keep records of these sales.

Q. Supposing you look at the map there and refer to the Ocean tract sold to the Hudson Realty Company. A. Further down, Mr. Stout; down this way (indicating on map). Here is this sale here.

Q. That property runs from the pierhead line back to Hudson Street, does it not? A. Yes.

Q. And is there anything about the shape or location of that property that make it particularly valuable? A. I think it is a very valuable piece of property for steamship use. That used to be the old Panama line, as I remember it. Used to be the banana line.

Q. Has the depth of it anything to do with the value you put on it? A. Yes.

Q. If it was only half as deep, would you put the same value on it? A. Well, if you was to say the intensive use the same as I put the same price on this, it isn't as much, but I say it is all the same; it is the intensive water front use that it gets.

Q. Now, answer that question. If the Ocean Steamship property was only half as deep, would you put the same value on it a square foot? A. Yes.

Q. Then that doesn't add anything to this property, because it has a depth of twelve to 1,300 feet, over say 600 feet? A. Because it has what?

Q. That property is no more valuable per square foot because— A. What is your theory of the depth there? I don't know whether I am right or you are right.

Q. Well, it looks about six inches on a 200 foot scale. A. One side here says 930 feet.

Q. That is to the bulkhead line? A. Yes, yes.

Q. And it is about 400 feet to the pierhead line further, isn't it? A. Yes, I don't know whether—

Q. That makes about 1,400 feet, doesn't it? A. Yes.

Mr. Stout: Have you put a valuation upon that upon any other value than right there?

The Witness: No, you would value it right there.

Mr. Stallman: Don't interrupt, Mr. Stout.

Q. You say that it doesn't make any difference in your valuation of this property whether it is 1,400 feet deep or 700 feet deep? A. I would put the same value on it.

Q. You would. Then it doesn't make the property more valuable because it has a depth of 1,400 rather than seven? A. That would all depend upon the kind of shipping you are going to apply it to, but there is so much use for this smaller stuff, intensive use, in here that you would find twenty buyers of the small kind as against one of the big. If you could get such a piece of property up where I am, we would pay $3 right there for a public pier.

Q. I just want to get your final judgment on the thing, Mr. Singer.

Mr. Stallman: Now, I ask the Board to instruct Mr. Stout to quit interrupting the witness and my examination.

The President. Well, I am frank to say I haven't heard the interruption.

Mr. Stout: No more than comes from the other side.

Q. Do I understand then, Mr. Singer, that in valuing the Ocean Steamship property at two dollars a square foot, that you considered it a desirable property on account of its depth of 1,400 feet? A. Considered all the elements that are in it.

Q. And yet you would put the same price on it per square foot even if it was only 700 feet deep? A. Correct.

Mr. Stallman: I think that is all.

By Mr. Bain:

Q. Please state—or let me ask you first, did you value the water front properties under consideration at certain rates per square foot? A. You mean these properties that I have testified to?

Q. No, I am speaking now of all of the water front properties that you have appraised. Did you appraise those properties at certain rates per square foot? A. You mean under review here?

Q. Yes. A. Yes.

Q. Please state any water front property along the Hudson River or New York Bay that was sold at a stated price per square foot. A. I don't know of any, except what I heard and I am not going to quote them.

Q. You don't know of any? A. Mr. Graham, with whom I have had many talks on water fronts, tells me that is the way they sell over there.

Q. You don't know of any sale on the New Jersey side of the Hudson River or New York

Bay that was at a stated price per square foot, do you? A. I don't know of any except that I am telling you that Mr. Graham tells me that it is a regular practice over there.

Q. Over where? A. In New York.

Q. You know I was talking about New Jersey. A. Well, I don't know of any.

Q. Yes. The Cunard property was sold at a stated price per front foot, wasn't it? A. Yes.

Q. How many other of the water front properties on the Hudson River or New York Bay were sold at a stated price per front foot? A. I don't know.

Q. Do you know by what unit the sales of water front property on the Hudson River and New York Bay were made? A. I don't. Some make them one way and some make them another. I don't know how—

Q. You don't know? A. I only know this, that some of the sales you have got in here were not made by front foot, that you have got on your sheet.

Q. Have you read the general railroad tax law of the State of New Jersey? A. Well, I have read so much tax law now that I know less than when I started it.

Q. That isn't my question. Have you read the general railroad tax law of the State of New Jersey? A. No, I have not. I have read it, I guess, in a general way, but to quote it back to you I couldn't—

Q. Now, you can answer that one way or the other; have you read the general tax law, railroad tax law of New Jersey? A. I don't know. I read a lot of tax laws, I guess I read that law then but I couldn't quote—

Mr. Bain: Well, I want it noted on the record that Mr. Stout picked up a book and indicated it to the witness.

A. You mean the 1903 act?

Q. Do you know when the general railroad tax act was passed? A. No. No. That is your end of it. I don't know that.

Q. Then you don't know what improvements are required to be excluded in valuing railroad main stem lands and second-class railroad lands for taxation, not having read the New Jersey railroad tax law? A. Well, I will tell you—

Q. Do you? A. I think I have got an idea.

Q. Well, where did you get the idea, when you didn't read the law? A. I will give you an idea.

Q. Mr. Singer, my question is where did you get it?

Mr. Stout: He is getting it.

A. Here is the law (producing book). I mean here is the way it is done. I have got it all marked out and you can thank me you got it. I was the fellow that made the plea to have it printed.

Q. All right. Now what did you have printed? Let's see what you had printed. A. I will tell you what it was. Since 1917 nobody printed this detail and—

Q. You mean the detailed valuations? A. Yes.

Q. The State Board didn't print the detailed valuations in the annual report? A. Yes.

Q. That is, the detailed valuations of property of each company? A. Yes.

Q. And that is what you had printed, you say? A. I didn't I was joking when I said that. I came here

and I told them the trouble and the embarrassment under which I was laboring, and the Board was very kind to me, and Mr. Focht was very kind to me, and they all helped me as best they could, but I said, "Wouldn't it be much better if we had this old form in the printed book?" and they said, "Yes; sure it would be; but we can't get it."

Q. But the requirements of the general railroad tax law as to excluding improvements in valuing railroad property for taxation are not included in those detailed valuations of railroad lands? A. No, but I know the exclusions were made.

Mr. Stout: I object. I think that this inquiry has gone far enough. What the witness is called upon to testify to is the value of the lands here under consideration. Now, the question is did he value the lands exclusive of the improvements? Now, whether he knows the law, or whether he doesn't know the law—I think my friend Bain if he would read some of the decisions of our courts would find he hasn't followed the law on his side.

Mr. Bain: You say that the courts haven't followed the law?

Mr. Stout: Mr. Bain hasn't; if you read the decisions of our courts you will find that Mr. Bain hasn't always followed the law.

Mr. Bain: Now, I submit that my line of examination was proper, because Mr. Stout is probably aware that the general railroad tax law requires certain improvements to be ex-

cluded in valuing railroad main stem property and second-class railroad property for taxation.

Mr. Stout: Then ask the witness—

Mr. Bain: I want to know whether in the first place this witness knew what improvements must be excluded; in the second place, whether he excluded or included those improvements in making his valuations. Now, if he didn't know what improvements must be excluded or included, it of necessity follows that he can't tell whether his valuations include or exclude those improvements.

Mr. Stout: My answer to that is that the proper question is, Mr. Singer, in making up your valuations of these lands, what improvements did you include?

Mr. Bain: Now, I think I have a right to determine the propriety of my question.

Mr. Stout: You haven't got a right to examine him on the law.

Mr. Bain: The propriety of my own question, I said.

The President: Well, propound a question according to your idea of propriety and then if there is an objection we can pass upon it.

Mr. Stout: He wants you to construe the law.

The Witness: I can't.

Q. In making your appraisals, Mr. Singer, what you first did was to value the New York Central terminal yard, in Weehawken, wasn't it? A. That is the way I did it.

Q. That was the starting point of your appraisals? A. Yes.

Q. And you determined the value of the New York Central yard in Weehawken by considering the sale of the Cunard property to the south, and I think the sale by the Edgecliff Land & Improvement Company to the Lord Construction Company, or the New York State Realty Company— A. The two of them.

Q. —to the south, and the Shamberg sale to the north. And you considered those sales to be at market value? A. That is what I thought.

Q. All of them. Certain other sales in the vicinity you didn't consider to be at market value? A. No, I thought they were below.

Q. Yes. Now, in a city, and in a city block, where there are lots 25 feet wide by a hundred feet deep, there is a general market value of those lots, the various lots in that block, isn't there? A. No.

Q. Well, isn't that ordinarily true? A. No.

Q. Then there is no fixed market price for even city lot property? A. Absolutely fixed.

Q. Well, now, there is a fixed price. A. Yes, but you don't know how to express it, or else you don't want to give it to me right. Now, what are you referring to?

Q. Mr. Singer, if you will only answer my question— A. I will, but you must put it to me right. Now, I will repeat your question and give you—

Q. I prefer to have my question repeated by the stenographer. A. Well, let him do that. I will explain that. You just said to me in a city that the unit value in a lot was the same, didn't you?

Q. I said nothing of the sort. A. Didn't you ask me that in essence?

Q. I did not. A. Well, let me be sure we get off on the same thing.

Q. I asked you whether in the case of a city block, having city lots 25 feet wide by a hundred feet deep, there would be a certain market price for each of those lots? That was the question I asked you. A. Oh, that is all right; for each of those lots.

The President: Now, answer, Mr. Singer.

A. Yes, there would be; depending, of course, upon the street upon which it fronts, and the improvements. In other words—

Q. You would know that market price, wouldn't you? A. Yes.

Q. An ordinary real estate man— A. Yes, I ought to know that price if I profess to be an appraiser.

Q. That is, up in your vicinity, you being a real estate man would know it? A. I would know it.

Q. Now, what fixes the market price or market value of the lots in that case? A. Well, just as you fix it in water front.

Q. No, but dismiss water front from your mind for a moment. Now what fixes the value of the lots in that case? A. Why, you have got to study all the sales and you have got to analyze them. Now, there are different conditions. Take two adjoining lots; one may be next to the other and there may be a difference there of two or three thousand dollars, one right adjoining the other.

Q. And in the same city block? A. Yes.

Q. That is, two lots, 25 feet wide by a hundred feet deep, fronting on the same street and in the same city block, and each adjoining the other, might have different market values? A. Might have a difference of $4,000.

Q. A difference of $4,000 in the value of the two lots? A. That could be. I have seen that.

Q. Then there wouldn't be any fixed market price which could be applied generally to all those lots there? A. Such lots as are comparable. Now, I want to explain that answer of mine because the Board may want to know what I am driving at.

Q. No, you can answer my questions without explanations. You have told us positively that in the instance I have mentioned there might be two lots side by side, in the same block, fronting on the same street, having a difference in value of $4,000. A. Yes, that would depend upon rock conditions, or such conditions as one had and the other didn't have.

Q. Depending upon the condition of the property? A. Yes.

Q. So that there wouldn't be a general market price on all of the lots in that block? A. Generally there is.

Q. Well, now, you say generally there is. Then the instance that you have mentioned is the exception? A. Why, you asked me—I tried to cite you a case that wasn't.

Q. The instance you mentioned where there would be a difference in value was the exception, wasn't it? A. Yes.

Q. And generally speaking all the lots in the city block would have substantially the same market value, wouldn't they? A. Market value would be made by

the sales last taking place. That would govern the market.

Q. Yes. In that block. A. In that block, or in that—along that thoroughfare.

Q. Well, now, wait a moment. In that block. Now, in the adjoining block you might find different market values? A. You would find a different market value in all likelihood, if it was a business street fronting on another business street.

Q. And those different values would be given by differences in location, wouldn't they? A. Yes.

Q. Now, isn't it a fact, Mr. Singer, that these sales of water front property—that the water front in various localities has different values because of location? A. Slightly.

Q. Well, very materially in some cases? A. Not in these sales up the river.

Q. You think all these sales up the river show a certain defined market value in that particular locality? A. They all tune up pretty well.

Q. Well— A. That is, the four I mentioned.

Q. Oh, yes, but the others don't tune up as well? A. Well, they were different properties. There was size in there.

Q. Well, if you have the same property in one instance sold on the same day and within a few hours— A. Well, I want to tell you—are you referred to the Twombly?

Q. I am referring to the one you know of as having been sold and re-sold within a few hours on the same day. A. Well, I just want to give you my version of that. I thought of that very same thing. I studied these sales and I am frank to say that when I came to the Twombly sale and said here, on March 25,

1920, a woman, Florence Twombly—

Q. What are you reading from? A. I am reading from the sheet.

Q. Where did you get the sheet? A. Why, one of the boys, Mr. Ryer gave it to me.

Q. Who? A. Tom gave it to me.

Q. Well, Mr. Ryer gave you that sheet? A. Yes.

Q. And that is the information you are reading now? A. It is a carbon copy of what you have got in the record.

Q. Sure? A. Yes, sir.

Q. All right. Now, what do you say? A. I say that when I went over that property and saw this Florence Twombly—

Q. Now, you are not reading from anything, are you? A. No, I know this; bet your life I do, too. And you know it, too; you were in the case.

Q. No, I will have to contradict you. A. You represented Florence Twombly in a tax appeal.

Q. I never represented Florence Twombly in my life. A. Well, that was the lady that had the fee.

The President: That was your misfortune.

Q. Mr. Singer, don't you know and don't you recollect that I didn't represent Twombly, that Twombly was represented by Mr. Stryker, of Lindabury, Depue and Faulks? A. I know you did the talking. I thought you were the one.

Q. Don't you know that I didn't represent anybody in that particular tax appeal? A. Yes, you did now, I think; I don't want to contradict you but—

Q. Don't you know I represented the American Cotton Oil Company? A. Well, they were adjoining properties and both in the appeal, both on at the one time.

Q. Well, now, let's get back to my question. A. Yes, let's get to this. Florence Twombly, a woman, and she is selling to the Lord Construction Company. Now, I know something about that outfit that started that off. There was a fellow named Roderman, he had a little ship yard down in Weehawken, and he saw this big development coming on.

Q. I would like to interrupt you for a moment. When you say Roderman, do you mean Mr. Roderman, of the Weehawken Dry Dock Company? A. Mr. Roderman, of the Weehawken Dry Dock Company.

Q. And you say that he saw this development coming on? A. He saw this ship work coming on; at least that is what one of his associates told me.

Q. Did you talk with Mr. Roderman? A. Not with him, but with one of his associates.

Q. And what was his name? A. Verden.

Q. Who? A. Verden, Christ.

Q. Did he tell you that the Weehawken Dry Dock Company lost the location of its former plant and had to move? A. Didn't tell me that. He said they were looking for bigger—

Mr. Stout: May it please the Board, I think Mr. Singer has the right to answer the first question, without having these interlineations by counsel.

The President: I think so.

Mr. Bain: Well, I think we are getting so far away that I will withdraw it.

Mr. Stout: No, you won't withdraw it.

Mr. Bain: It is leading to a discussion that will not get us anywhere.

The President: Well, I think for the benefit of the Board that you ought to conclude what you started to amplify.

Mr. Stout: A little more about Florence.

Mr. Bain: Well, now, I am going to move to strike out, and ask the Board to exclude information that this witness says he got from an associate of Mr. Roderman, there being no proof that that particular individual had any right whatever to bind anybody, nor that he stated the facts accurately to this witness.

Mr. Stout: I insist, may it please the Board, that if Mr. Bain desires to withdraw the question he may do so.

Mr. Bain: I will withdraw the question.

Mr. Stout: But that the Board should propound the same question, and let Mr. Singer testify as to how he analyzed the first sale to the Lord Construction Company.

The President: All right.

Mr. Bain: My only point is this: I want to be guided by the legal rules of evidence. There may be a certain amount of hearsay evidence that is admissible in a proceeding of this kind, but I certainly do object to evidence which has no foundation, or not sufficient foundation to give it a real basis.

Mr. Stout: Why, if it is necessary to reply to that, doesn't the real estate expert go to John Jones, or Bill Smith, who knows about

the transaction, and he asks and finds out from him what he knows about it? It may be reliable or it may not be reliable, but that is what he uses in arriving at his analysis of a sale.

The President: And I think it was notoriously known that Mr. Verden was a part of the Roderman outfit, they were immediately associated in the conduct of a shipping enterprise. Now, as I understand it, Mr. Bain has withdrawn the question, have you, Mr. Bain?

Mr. Bain: Yes; I will withdraw the question.

The President: And acting on the suggestion of Mr. Stout, I think the members of the Board desire the question re-addressed to Mr. Singer for the information of the Board.

Mr. Bain: I would like to ask whether the Board is going to permit a witness to give evidence not generally accepted under the legal rules of evidence by the courts?

The President: Oh, we very often do that. I don't know that we are held down strictly to any set rules of evidence.

Mr. Stout: A nice question for counsel to propound when we haven't got a lawyer on the Board—

Mr. Bain: Of course I must object to—

Mr. Stout: —and he must listen to Mr. Bain as to what the rules of evidence are.

Mr. Bain: Of course I must object—

The President: Well, I don't know that we have ever been censured for admitting things that were not evidential.

Mr. Bain: I feel, Mr. Chairman—pardon me.

The President: We are sitting here as a board of inquiry, and it has been my experience that a strict adherence to the rules of evidence very often militates against the development of information that the Board is actually in quest of. I will now address or readdress that question, Mr. Singer, relative to the Lord sales.

Mr. Stout: Yes.

The Witness: Let him read it again.

Q. (Questions read as follows): "Well, if you have the same property in one instance sold on the same day and within a few hours— * * * I am referring to the one you know of as having been sold and re-sold within a few hours on the same day."

Mr. Bain: That wasn't the question I asked.

Mr. Stout: I suggest to expedite this that Mr. Singer be asked to analyze the Twombly sale as he would analyze it.

The President: Do you recall, Mr. Singer, what you were about to say when you were interrupted?

The Witness: Yes, he called my attention to the fact that there was a wide difference in price paid practically at the same time, and what did I have to say about that, and then I began to explain it.

The President: Continue the explanation.

The Witness: When I came to the Twombly sale, in analyzing and studying the sheet, I said to myself now I know something about that transaction. That is a woman, and this woman sells to the Lord Construction Company, and who is the Lord Construction Company? And then I began to think why that was the outfit of Roderman who got the Lord Construction Company to come in with him and bought the Woodcliff property on his option, and it looks to me as though Roderman or somebody in there must have gone to this party or her representative and got an option and agreed to buy this property. I don't suppose she or whoever represented her had a fair idea of what they were doing, because I said that here they sold on March 26, 1920, 9.14 acres for $250,000, and on the same day, the same day this record shows, they pass it over for $600,000. Wouldn't it appear to any sensible man that this woman ought to have had independent advice, or that somebody didn't take care of it? A fortune, three hundred and fifty thousand dollars, passed right from her hand. That wasn't a change of market conditions. That was a change of somebody took advantage of that woman, or she was a very willing seller and didn't know the value of what she was selling. And I think that is clear to any sensible man.

Mr. Bain: Through?

The Witness: Yes.

Mr. Bain: I move to strike out Mr. Singer's answer on the ground that it is purely hearsay and contains conclusions not based upon any facts.

The President: I will deny that.

Mr. Stout: It is a study of it. That is the way he reads it.

Q. Now, at about the same time that the Twombly property was sold to the Lord Construction Company, the Jones property was sold to the Lord Construction Company, wasn't it? A. I think it was very close (refers to paper).

The President: I think the accuracy of Jones was disputed at the last hearing, wasn't it?

A. (Continuing.) Yes; the 25th.

Q. And the Jones property was sold for substantially the same price as was paid to Twombly for the Twombly property, isn't that right? A. Jones sold 14.60 for twenty-three, and Twombly sold for twenty; no, not the same—twenty-seven.

Q. Well, which sold for less, the Twombly property or the Jones property? A. Jones.

Q. And do you think that Jones too was way off in his knowledge of the value of his own property as well as Twombly? A. It looks to me that probably—what I thought about it—that this fellow skirmished around there and got these options, and before they revealed their plan of what they were doing they were assembling some property, and in that way here were people, the Jones, that had this property for a long time, and as I reasoned it out—Jones bought that

property in 1904 for $115,000 at $7,600 an acre, and I suppose he figured it up and he says, "I am going to get out, I am going to use it," and he took it.

Q. Thought he was getting a fair price for the property? A. Well, he took it. He didn't know the development that was going on. He didn't know what this water front was selling for.

Q. How do you know? A. That is what it shows to me. You are asking me what—

Q. That is your conclusion? A. Do you think that the man would sell if—

Q. I say that is your conclusion, isn't it? A. That is my conclusion, yes.

Q. Now, the Woodcliff Land and Improvement Company property was sold at about the same time at the same price? A. No.

Q. Well, then, what is the difference? A. What is your idea of what the Woodcliff sold for?

Q. I am asking you what the Woodcliff— A. My theory is that they are not the same.

Q. I am asking you whether the Woodcliff Company didn't sell to the Edgecliff Company at substantially the same price as was paid for the Twombly property and for the Jones property? A. That was different property. You couldn't compare that.

Q. Well, how far apart are they? A. They are right between each other.

Q. Yes. So that the Jones property, the Twombly property and the Woodcliff property were all contiguous properties, were they not? A. Yes, but you should put it that the Woodcliff property had a lot of upland in there worth about $10,000 an acre, and the

Jones property only had a little strip along the road there, 700 feet by about 40 feet wide.

Q. But the fact is that the Woodcliff property was sold for about the same price as was paid to Twombly and to Jones? A. If you want to take the total acreage you can figure it that way.

Q. Well, that is the fact, isn't it? A. The fact is that the Woodcliff property sold for $2,150,000, not $2,000,000.

Q. Well, all right. The price was still about— A. That would change your acreage. Now, I am not going into those figures.

Q. It was a price—even though you add your $150,000, it still would be substantially the same as was paid for the Twombly property and the Jones property, isn't that right? A. I spoke to Clarence Meeks—

Q. No, isn't that correct, as a matter of price? A. As a matter of arithmetic; put it that way.

Q. As a matter of arithmetic. A. Correct.

Q. Well, it is true as a matter of arithmetic, isn't it? A. Yes, that is true as a matter of arithmetic, but that—

Q. And you think also that the Woodcliff Land & Improvement Company didn't know the value of that property when they sold it? A. They did not, and Mr. Meeks told me so. I spoke to Mr. Meeks. I said, "Clarence, how did you come to sell that?" He says, "I will tell you how we come to sell it."

Mr. Bain: I move to strike that out.

Mr. Stout: Who is Mr. Meeks?

The Witness: His father was president—he is vice president of the company.

Mr. Stout: That is good enough. Let's have it.

A. (Continuing.) I said, "Clarence, how did you come to sell this property?" He says, "You know my father's condition; he has been very sick," and it was at one time a family proposition, but others got in, and Mr. Walker got in; that is, Rutherford Walker's father, he died. Herman Walker, and there was a transfer, they wanted to liquidate if they could get out. So Clarence said, "Well, we didn't know; we had that property in the market for some time, and we didn't get an offer, and at last an offer come that measured up nearly to what our opinion was, and then we found what the State was asking for property around in there, and it measured up pretty well, and we figured well, if we can get that we will take it, but we didn't know we had any rights in there." He didn't know that Mr. Shamberg got about $800 a foot for the rights. He didn't charge anything for the rights, but old boy Shamberg knew what it was worth and he put it in and he got it.

Mr. Bain: I move to strike out all of Mr. Singer's discourse on the ground that it is not responsive, and a lot of hearsay and a lot of conclusions, not based upon any facts.

The Witness: This is not hearsay. I talked to him myself.

Mr. Stout: I insist that it remain in.

The President: The motion is denied.

Q. Do you appraise land in the Township of Weehawken for the local assessors? A. No, I do not. Except they got into some difficulty in that railroad

matter and they called me in. I think that was about eight years ago.

Q. You acted as an adviser? A. No—yes, I did advise Weehawken for the last—I think that a year and a half, for a year and a half I have been advising Weehawken on third-class property, and first- and second-class property in Weehawken.

Q. Don't you recall having heretofore testified that the price paid for the Woodcliff property was the value of that property? A. No, I didn't testify to that.

Q. You never have done that? A. No.

Q. Sure about that? A. I don't remember it.

Q. Do you remember testifying on the hearing of an appeal from the assessment for the year 1919 or 1920, on behalf of the Township or the Town of Guttenberg in—strike out the whole question. Do you recall testifying on an appeal by the American Cotton Oil Company from an assessment by the Town of Guttenberg in the year 1919 or 1920? A. (No answer.)

Mr. Stout: Do you remember testifying?

A. Oh, yes. That is the case we were in. He remembers that.

Q. Do you remember testifying at that time that the price paid for the Woodcliff property was the value of that property?

Mr. Stout: Now, may it please the Board, here is a demonstration that Mr. Bain doesn't want to follow the rules of evidence, that he doesn't want to be fair. When I attempted to do that in examining his witnesses, as this Board will recall, every time I had to confront

the witness with the record, and he knows that is the rule of evidence and he is always harping about the rules of evidence.

Mr. Bain: I think there is this difference. This line of inquiry wasn't opened by me but opened by the witness.

Mr. Stout: I object to that question unless the witness is confronted with the record as to what he did say.

Mr. Bain: All right. We are not going to take a lot of time with it. I will withdraw it, if the witness doesn't want to answer it.

Mr. Stout: The witness may want to answer it but he wants to know what he said before he speaks.

Q. I think you said that in valuing the New York Central yard, you considered particularly the Cunard, the sale by the Lord Construction Co., and the sale by the Edgecliff Company to the New York State Realty & Terminal Company, and the Shamberg sale, and that the other sales were not of a great deal of help, is that right? A. I said they were of help; every sale is of help. But I said the property I mentioned was in closest proximity to the property and more comparable than any of the others and to my mind helped me more in arriving at a unit of value than any of the other sales.

Q. Did you not also say on your direct-examination that the other sales were not helpful in determining the value of the New York Central property because of difference in size, location, and so forth? A. Some of those things came in and I had to consider them, yes.

Q. Now, you say that you subscribe to the theory that going south from the Bergen County line, the value of the water front increases, is that right? A. Correct.

Q. Does it increase uniformly all the way down to the tide water basin? A. Well, I think it has a kind of a progressive increase as it comes down.

Q. Is the increase uniform all the way along the line? A. Well, as you go down—let me illustrate it this way; I believe that the Delaware, Lackawanna is worth more than the New York Central.

Q. So that as you come down from the Bergen County line with your increase in value, then you get to the Delaware, Lackawanna & Western in Hoboken and you get a sudden jump out of your general line, don't you? A. No.

Q. You don't do that? A. No.

Q. Well, let me ask you this: Are there any points of high value along the water front in either Jersey City or Hoboken? A. Yes.

Q. Where are they? A. I am of the opinion that the apex in value, and I believe I testified to that, is at Exchange place.

Q. That is right. So that there at least, the general—or is there any general ascending scale of value along the water front as you go south from the Bergen County line? A. Yes, there is an ascending scale.

Q. Well, is it general? A. Where are you going to?

Q. Well, you put values respectively of a dollar and a half, a dollar seventy-five, two dollars and two dollars and a half a square foot on the water front. How

do you determine where the line between the dollar and a half property and the two dollar property shall be? A. Where the dollar and a half property and the two dollar property shall be?

Q. Yes. How do you determine where the line between the property worth a dollar and a half and the property worth two dollars and a half shall be put? A. Which property do you mean at a dollar and a half?

Q. The water front; didn't you value some of it at a dollar and a half? A. That wasn't on the water front; that was on the basin.

Q. Well, let's take it at a dollar seventy-five. A. Yes.

Q. Where did you determine to be the line between the water front property worth a dollar seventy-five and the water front property worth two dollars? A. I couldn't tell you. I took these properties as I got them on the map, and as I come to this property I said, now what is the increased value of this piece of property? Considering in addition to its location, the fact that this lies in the City of Hoboken, has streets, Ferry Street on one side and Henderson Street in the rear of it, intense manufacturing development in there, good approach, city facilities, fire, police, I said this property to my mind is worth two dollars and a half as compared to a dollar seventy-five up in the Weehawken yard.

Q. Now—pardon me; are you through? A. Yes.

Q. Now, I think you said that the presence of the trolley terminal— A. Yes.

Q. —added value to the Lackawana yard in Hoboken? A. Certainly.

Q. And the presence of some other things added value to— A. Tube.

Q. The tube added value to this particular land? A. Yes.

Q. And the presence of Ferry Street? A. Yes.

Q. And the presence of the general development in the neighborhood? A. I described all that, except I didn't incorporate in my last answer the tube and the trolley. Now, that is the whole business.

Q. Yes. Now, there is no such trolley terminal at the Erie yard as there is at the Lackawanna yard, is there? A. There is no what?

Q. No such trolley terminal? A. Oh, yes.

Q. At the Erie yard as there is at the Lackawanna? A. Yes; yes.

Q. The same kind of trolley— A. I didn't say that. You said a trolley terminal.

Q. No, I didn't. I said no such trolley terminal. A. Oh, well.

Q. There isn't, is there? A. There is a trolley line there.

Q. One single trolley line? A. Well, it is there.

Q. But the trolley terminal at the Hoboken yard is entirely different from the— A. That is a bigger proposition.

Q. Much bigger proposition? A. Bet your life: yes, certainly.

Q. And the local development around the Lackawanna yard is much different from the local development around the Erie yard, isn't it? A. Oh, I don't know. I should say about the same. The Erie, of course, has got this advantage—

Q. Well— A. Now, just a minute, if you want me to explain that. The Erie has this peculiar condition about it. I remember my mutual friend—who is the fellow with the whiskers—

Mr. Stout: Mr. Corbin.

A. (Continuing.) Mr. Corbin, he said that the Erie was a very valuable piece of property; he thought---

Q. Mr. Singer, I must interrupt you, because we don't want to waste time here. What I asked you was whether there was the same development at the Erie yard as there is at the Lackawanna yard; that is, city development? A. Well, I should say that considering the fact that Pavonia Avenue is in there it is the same.

Q. Are there any bank buildings at the lower end of Pavonia Avenue? A. No.

Q. Are there any office buildings at the lower end of Pavonia Avenue? A. Yes.

Q. At the lower end? A. Yes.

Q. Which one? A. Erie Railroad.

Q. Are you joking, Mr. Singer? A. No. You asked me office buildings. You know they are there.

Q. Where is the office building of the Erie Railroad at the foot of Pavonia Avenue? A. Right in the terminal there, upstairs.

Q. Oh, you mean upstairs in the Erie Railroad depot? A. Yes.

Q. Is that what you mean by an office building? A. Yes, that is an office, sure.

Q. Any others? A. Up along the line. I had some occasion to go up there along that and see—

Q. Well, now, at the lower end of Pavonia Avenue. A. —on some other business.

Q. Are there any stores at the lower end of Pavonia Avenue? A. Yes, there is some; but they are pretty far up.

Q. They are not at the lower end of Pavonia Avenue? A. No.

Q. Are there any restaurants or hotels at the lower end of Pavonia Avenue? A. Yes.

Q. Where? A. At the Erie depot.

Q. At the lower end, down near the Erie depot? A. Yes.

Q. What? A. Yes; in the Erie depot there is one.

Q. Oh, that is the restaurant in the depot? A. Yes. You asked me if there was a restaurant there. Sure there is.

Q. Now, is there anything at the foot of Exchange place—at the foot of Pavonia Avenue, Jersey City, except the Erie depot on one side and the Erie milk shed on the other? A. That is practically the development in that neighborhood there.

Q. Now, the development at the Lackawanna station at Hoboken is entirely different, isn't it? A. Yes.

Q. Of a much higher type? A. Yes.

Q. And you must admit that the value of land in the immediate vicinity of the Lackawanna depot in Hoboken is greater than it is in the immediate vicinity of the Erie depot, in Jersey City. A. That is true, but I didn't take advantage of that. I could have done that at Exchange place and showed you $20 a square foot across the street. I didn't put that into the Pennsylvania terminal. And I didn't take the Trust Company of New Jersey, or the Hoboken Land

and Improvement Company on Hudson Street and put that in the terminal; had nothing to do with it.

Q. Did you value these railroad yards for railroad use? A. For railroad use.

Q. How did you determine the value for railroad use? A. As I found them.

Q. How did you determine it? A. Well, I just simply—this was my process of reasoning, that as this property was intensely used for railroad purposes that if this railroad were to get out of here, and some other railroad company come in here, what would they pay for this property? Would they give what I say, or would they not? I thought that a price that would be a fair price to another railroad company to take that property, or take it now as it is developed; suppose the Port Authority was to come along and say, "Now, we are going to begin to develop property in this harbor," what would the Port Authority in looking over this property say what is this property worth?

Q. True. A. Just as in a year from now you might find, when they get to deciding on this Morris Canal Basin, then you are going to get some idea of what a railroad thinks it is worth.

Q. True. A. That will be a different story from what these fellows said in here it is worth.

Q. True. Do you know of any purchase by a railroad company of a railroad terminal on the Jersey side of the Hudson River for anything like five millions of dollars? A. No. And I don't think you could get any of these railroad terminals if you doubled it.

Q. You don't know of any such purchase? A. They will never give up anything as soft as that.

Q. You don't know of any such purchase? A. No, and they will never give them up. They are acquiring more. That is what makes me think so. They are always adding to.

Q. By the way, I notice in your schedules there are many parcels that you have not appraised. Those are back lands, are they? A. You mean in the schedules I have handed in, yes. I didn't touch them.

Q. You don't profess to be an expert upon back land? A. I wasn't going to come here and take up a lot of time on cross-examining me on stuff that I hadn't made a study of.

Q. You don't pretend to be an expert upon backland? A. I am an expert enough, if I put the time to it, but I didn't put the time to it, and I am not going to come in here and testify to something that will take up a lot of time.

Mr. Stallman: Oh, no.

Q. Now, you say that—by the way, are you familiar with the financial and business conditions of these various purchasers of water front lands during the last five years? A. Let me get that now.

Q. (Question read.) A. I am frank to tell you, Mr. Bain, I don't.

Q. Do you know their necessities at the time they were purchased? A. Do I know their necessities at the time they purchased?

Q. Yes. A. Now you are going back fifty years.

Q. Oh, five years. A. Oh, they go way back fifty years.

Q. No, I am speaking of sales within the last five years. A. Well, they always manifest a kind of a

greed to grab up that water front, and they never let anything go by and they grab it, that is all; whether they can pay for it or not they grab it.

Q. That isn't my question. A. That is what you mean, isn't it?

Q. No, I mean what I say. Are you familiar with the necessities of the purchase of water front property along the Hudson River during the last five years? A. No, I couldn't tell you that.

Q. And you can't tell whether they were compelled to buy or not, can you? A. Well, I guess they weren't compelled to buy that in the upper part of the—

Q. Well, the truth is you don't know. A. —Hudson County because it is lying there, they are not doing anything with it; but they grabbed it.

Q. But you don't know anything about it? A. In my opinion they made a corking good lease down below, and I would like to state what I know about that lease.

Mr. Bain: I move to strike out what the witness has said about that on the ground it isn't responsive.

The President: I don't think he has stated anything, has he? What did he say?

(Answer read as follows):

"In my opinion they made a corking good lease down below, and I would like to state what I know about that lease."

Mr. Stout: Strike that out, to please the other side.

Q. Now, Mr. Singer, did you make your valuations of the properties under consideration, or any of them, by the application of some percentage of increased value? A. Do I understand, Mr. Bain, that you mean as I came down the river did I add something because of the fact we were going down towards Exchange place?

Q. Well, not exactly that, but in making your valuations in the first place, did you assume that there was a general increase in the value of water front property in the last five years? A. Yes.

Q. And I think you said that was 50 per cent? A. I judge about 50 per cent.

Q. Now, how did you use that 50 per cent increase in making your valuations? A. Well, I applied it as I thought the property would stand.

Q. Well, to what did you apply it? A. I applied it to the Delaware, Lackawanna and I applied it to the Erie and—

Q. Well, to what base did you apply it? A. Well, as I told you, I had to take that Delaware, Lackawanna yard and I had to add something for the fact that it had these advantages as against the disadvantages compared with it that the West Shore had, and I had to place something for that, and then I had to add something for the increase.

Q. No, if you add 50 per cent to anything you must have had something to add it to. Now, I want to know what you added the 50 per cent to.

Mr. Stout: He hasn't testified he did add the 50 per cent.

A. No, I didn't say that.

Mr. Bain: I will ask that the last three questions be read.

Q. (Questions and answers read as follows): "—in making your valuations in the first place, did you assume that there was a general increase in the value of water front property in the last five years? A. Yes. Q. And I think you said that was 50 per cent. A. I judge about 50 per cent. Q. Now, how did you use that 50 per cent increase in making your valuations? A. Well, I applied it as I thought the property would stand. Q. Well, to what did you apply it? A. I applied it to the Delaware, Lackawanna and I applied it to the Erie and— Q. Well, to what base did you apply it?" Now, did you add the 50 per cent to anything, or didn't you add the 50 per cent to anything? A. I only considered it.

Q. Now, how did you consider it useful in making your appraisals? A. That is, how did you consider that assumed increase of 50 per cent useful in making your valuations? A. I told you I considered the Delaware, Lackawanna yard and then I considered all these elements that I spoke about, and I said to myself, "This property compared with the West Shore Railroad is worth about two dollars and a half a square foot."

Q. That is, that having determined your value, or having made your appraisal of the New York Central yard, you added 50 per cent of that appraisal—added 50 per cent to that appraisal, and valued the Lackawanna & Western yard accordingly? A. No.

Q. Well, did your appraisal of the New York Central yard figure at all in your appraisal of the Lackawanna yard? A. Just a minute. No.

Q. You say it did not? A. I say this. Now, you asked if I put 50 per cent. I say no, as the figures show I didn't.

Q. No, my last question was whether or not your appraisal of the New York Central yard figured at all in your appraisal of the Lackawanna yard? A. You can bet it did.

Q. Well, now, in what way, and how? A. It was my basic unit.

Q. That is what I say. Having determined the value of the New York Central yard, you used that as the basis of your valuation of the Lackawanna yard? A. I compared the two yards.

Q. Yes. And you used your valuation of the New York Central yard to get your valuation of the Lackawanna yard? A. To get my starting point, yes.

Q. Now, having got your starting point, did you build up on that? A. Yes, I built up on that, sure.

Q. Now, how did you build up on it? A. I told you I came down to the Delaware, Lackawanna and—

Q. Well, but in figures tell me how you did it. A. Oh, I can't tell you that. I would have to go into a bigger analysis. But I simply went down there and I begin to study that yard as I came to it and I said this land is worth so much money, and then I began to compare it with the other yard.

Q. When you valued the Erie yard, did you base your valuation of the Erie yard upon the New York

Central as a basis, that is, upon your appraisal of the New York Central as a basis, or upon your appraisal of the Lackawanna as a basis? A. Both.

Q. And when you came down to the Pennsylvania yard, did you base your appraisal of the land in the Pennsylvania yard upon your valuation of the land in the other yards? A. Well, which valuation in the Pennsylvania?

Q. Well, first the Harsimus yard. A. Yes, that is what I did.

Q. And when you got down to the Pennsylvania main yard, did you base that upon your appraisal of the lands in the other yards? A. That is right.

Q. Don't the sales of water front property along the Hudson River, in Jersey City and Hoboken, indicate that the water front in those two cities varies in value according to its condition and location? A. Well, all sales vary according to condition and location.

Q. My question can be answered yes or no. I will ask that the question be read.

Q. (Question read.) A. I should say that is a kind of a general rule; that is, around river property, condition and location. That property is much more—

Q. Just a moment. That question can be answered yes or no.

Q. (Question read.) A. Well, show me one in Jersey City.

Q. No, I am asking you, and you know the sales. A. Well, there is only one in Jersey City.

Q. Well, I said Jersey City and Hoboken. A. Well, what do you couple them up for?

Q. Don't you want to answer my question? A. Why, you are asking an impossible question. How can I couple up—

Q. Is that question impossible to you? A. I think so.

Q. That is, you— A. The way you put it.

Q. That is, you find it impossible to answer that question? A. Yes.

Q. That is enough. Now, you appraised the Lehigh Valley basin property at $87,120 per acre—first let me ask you this: Do you concede that going south from the Tide Water basin the value of the water front decreases? A. A little bit.

Q. Well, it does decrease, doesn't it? A. Well, a little bit.

Q. What? A. I think it does decrease a little bit.

Q. Going south from the tide water basin? A. Not much; but a little bit.

Q. Yes. Now, you valued the front portion of the Lehigh Valley basin at $87,120 per acre, didn't you? A. Yes.

Q. And you valued the front portion of the Central Railroad yard at $76,230 per acre, is that right? A. Yes.

Q. And that is in accordance with your theory that going south from the basin the value decreases? A. A little bit, yes.

Q. On the west of Washington Street you valued the Lehigh Valley basin at $65,340 an acre, didn't you? A. Yes.

Q. And you valued the Central Railroad land immediately south at $76,230 an acre, didn't you? A. Yes.

Q. Now, that is not in accordance with your general view that the value of land decreases as you go south from the tide water basin, is it? A. Yes, it is.

Q. Why, you have got the value of the Lehigh Valley less than the value of the Central. A. Let me get that clear.

Q. The back part of the Lehigh Valley basin— A. But that is on the basin? Are you trying to compare the basin with the river?

Q. I am not trying to compare anything. I am asking you a question. You told me positively that in your opinion the value of land decreased going south from the tide water basin. A. I think so.

Q. Now, I am calling your attention to the fact that you valued the land in the basin west of Washington Street at $65,340 an acre, and you valued the lands of the Central Railroad immediately adjoining to the south at $76,230 an acre. A. Correct.

Q. Now, that is not in accordance with the theory you stated, that the value of the land decreases as you go south from the basin. A. Yes, it is.

Mr. Stout: Why?

The Witness: Why, he is taking a piece on the basin 100 feet deep and then he is taking another piece 5,000 feet in depth, right on the river; can you compare them?

Q. That is your answer, is it? A. Yes; yes, certainly.

Q. Of course all your valuations are in excess of the prices paid for any water front property along the river, aren't they? A. Now, let me get that; that

the prices that I have fixed on this railroad property—

Q. Yes, are in excess of any prices paid for any water front property along the river?

Mr. Stout: That is a very indefinite proposition.

Mr. Bain: It is perfectly plain.

Mr. Stout: You have the International Elevating Company at $70,000 an acre, and he has appraised property at less than $70,000 an acre.

Mr. Bain: Not north of the Gap. I will limit my question north of the Tide Water Basin, in Jersey City.

Mr. Stout: Then you have sales of unimproved property which he has compared with the values of improved property.

Mr. Bain: They are lower than the price he has placed on this property.

Mr. Stout: Well, this is an unfair question. If you ask the question whether the values that he has placed on these improved properties are greater than the selling price of improved property, why then that might be an intelligent question.

The Witness: Now, you have it right.

Mr. Bain: I don't think, may it please the Board, that I have got to ask my questions to suit Mr. Stout.

Mr. Stout: Oh, throw him in a hole. That is what you want to do.

Q. Your valuations of the improved property under review are in excess of any prices paid for improved property on the Hudson River, is that true? A. Some of them.

Q. All of them? A. Well, that might be so.

Q. Well, it is so, isn't it? A. In a slight degree it is so.

Q. And your valuations of the unimproved property under consideration are in excess of any prices paid for unimproved property on the water front, aren't they? A. Let me get that again. You say the prices that I have—let me—

Mr. Stout: Read the question.

Q. (Question read.)

Mr. Stallman: I ask that it be noted on the record that I object to Mr. Stout indicating to the witness by shaking his head what sort of an answer the witness should make.

Mr. Stout: I also insist that you state the fact when you make a statement. I turned my head around from Mr. Singer to you, and I wasn't shaking my head to indicate anything.

Mr. Stallman: Well, I know when a man shakes his head to indicate something.

Mr. Stout: Well, you know too much.

The President: Well, I hardly think Mr. Stout would be guilty of any such indelicacy.

Q. Let's have an answer to my question. Have you answered the question? What is your answer?

Mr. Stout: If it isn't intelligible, don't answer.

A. No, I can't get that.

Mr. Bain: Well, read that question. I will ask the Board to rule as to whether it is intelligible or not.

Mr. Stout: May it please the Board, Mr. Singer has been, if you are speaking of the lands on the Hudson River water front, comparing sales of unimproved property with improved property.

The Witness: Certainly.

Mr. Stout: And therefore I say that the question isn't intelligible.

The Witness: I can't get it.

Mr. Bain: Well, Mr. Stout, my question is whether his appraisals of the unimproved properties under consideration are in excess of the prices paid, of any prices paid, for unimproved water front property on the river.

Q. Isn't that intelligible? A. No.

Q. Well, why not? A. Well, show me the unimproved property. Make it specific.

The President: Just a minute. Do you understand the question, Mr. Singer.

The Witness: No, I can't get that.

Mr. Stallman: Do you, Mr. Chairman?

The President: I am frank to say I don't. I am not here as an expert. I may be manifestly and obviously obtuse.

Q. Well, I am going to ask you again now: In considering the properties under review and the sales of water front property in Hudson County north of the Tide Water Basin of the Lehigh Valley Railroad Company, are your appraisals of the unimproved property under review greater than any prices paid for unimproved water front property? A. Now, show me the unimproved property.

Q. Now, my question calls for a yes or no answer. A. I can't. Show me the unimproved property.

Q. If you don't understand the question, say so. A. I don't understand it. I can't get it.

The President: You don't understand the question, is that it, Mr. Singer.

The Witness: Why, I can't answer the question as that is put to me, because he says do I consider the— in considering the properties under review the unimproved properties under review; where are they?

Q. Do you know of any? A. Well, I say that is up to you. I didn't raise that—

Q. Do you know of any? A. Not in this review here.

Q. What was the highest value you placed upon any improved water front in this proceeding? A. The property at Exchange Place.

Q. How much an acre? A. $2.75 a square foot.

Q. What was the highest price ever paid for any improved water front on the Hudson River?

Mr. Stout: Just a minute; ever paid—

Q. During the last five years?

Mr. Stout: There has only been one sale in the last five years.

Mr. Bain: During the last five years. My question is directed to the witness, not to Mr. Stout.

A. In Jersey City you have the International—

Q. What was the price paid? A. $70,000, but that was in 1916.

Q. $70,000 an acre? A. Allowing that, I don't subscribe to it, but I just merely took that $70,000 to save time and to say yes, I will take it, cloud and all.

Q. Mr. Singer, how did you determine to stop at $130,000 an acre in appraising the Lackawanna terminal? Why didn't you go up to a hundred and forty, a hundred and fifty or two hundred? A. The property didn't seem to my mind to be worth it. In my opinion it wasn't worth it.

Mr. Stout: In other words, the converse of that is how could your witnesses get down so low and what stopped them, why didn't they go to the bottom?

Q. Do you consider the Ocean Steamship property and the Manor Real Estate Company property sold to the Lackawanna & Western Railroad improved or unimproved property? A. Well, it wasn't improved to any extent; they had some back land there but the improvements wasn't worth anything.

Q. What do you consider improvements on water front property? A. Well, I would consider improvements on water front property bulkheading, dredging in front of the bulkheading, grading, draining, and such things as would be necessary to keep the property dry.

Mr. Stallman: Is that improved property under water?

The Witness: I beg your pardon?

Mr. Stallman: Is that improved property under water?

The Witness: The Lord improved that. I am not going to improve on Him.

The President: That concludes, I think, Mr. Stallman, doesn't it?

Mr. Stallman: I have one question I would like to ask Mr. Singer and that is whether or not the prices paid by the Lackawanna Railroad for lands in the vicinity of its yard, particularly in that part of the yard fronting on Ferry Street, or Henderson Street, or Sixteenth Street, or Provost Street, mentioned in your direct-examination, has any influence on your appraisal of the value of the property in the yard?

The Witness: Well, I have listened to the witnesses testifying to some property that you purchased out beyond Henderson Street, west of Henderson Street and outside of the yard, and then I have heard you introduce some evidence of a little piece of property, some 60 feet or something, in the yard—there it is (indicating on map); now, that wouldn't influence me very much. I think that is what you called a fly speck here sometime ago, wasn't it, as compared with the whole? That wouldn't influence me much.

By Mr. Stallman:

Q. Well, now, I don't think you answered my question? A. Well, I tried to do so. Now, what else is there?

Q. Let me put it this way then: If the railroad company purchased property on Henderson Street— A. Where? East or west?

Q. To the west of its yard, right across the street from its yard, or on the easterly side of

Henderson Street, or on Sixteenth Street, or Provost Street, immediately adjoining the yard, would those prices paid by the railroad company have any influence on your judgment of the value of the property in the yard? A. I would have to see the property. I couldn't judge it from the map. I would have to go and study that property, because when you say west you are presuming something that you couldn't carry out. You would buy it but you couldn't tie it up. You couldn't vacate Henderson Street because if you wanted to vacate Henderson Street it would be a question of whether the City would let you vacate it, and I am of the opinion that you would have a very big task before you got them to vacate Henderson Street.

Q. Let me put it this way: Would the purchases of land on the westerly side of Henderson Street have any influence at all on your mind in determining the value of the lands on the easterly side of Henderson Street? A. Well, I am frank to tell you, Mr. Stallman, I don't think it would because it hasn't—

Q. I didn't ask you for your reasons. A. It hasn't any water front advantages.

RE-DIRECT EXAMINATION by Mr. Stout:

Q. Mr. Singer, you haven't valued these lands under review upon building lot valuations, have you? A. I have not.

Q. And the lands involved in the sales are inferior, either in location, condition or surroundings, to the lands here of the railroad companies, with which you have compared them? A. You mean this land he is talking about?

Q. No. (Question read.) In other words, the land involved in the Cunard sale, and in the purchases by the New York State Realty and Terminal Company, and in the Luckenbach purchase are either as to condition of the lands at the time of the sale, or the location, or the surroundings inferior to the lands in the West Shore yard? A. To my mind—

Q. Well, are they, or are they not? A. They are about on a parity. The Cunard and the New York State and the—

Q. You don't understand me, Mr. Singer? A. No, I don't.

Q. Do you say that the Cunard property is the same in condition as the West Shore yard? A. No.

Q. Well, then, it is inferior in condition, isn't it? A. Yes; yes.

Q. Isn't that true of all the sales that you have been testifying to, that the lands involved in those sales, either on account of the physical condition of the property at the time of sale, location or surroundings were inferior to the property with which you compared them? A. Oh, yes, yes, sure.

An adjournment was here taken until Wednesday morning, March 8, 1922, at 10:30, State House, Trenton, N. J.

Fifteenth Day.

Trenton, N. J., Tuesday, May 16, 1922.

Present: Mr. Baker, President; Mr. Jess, Mr. Mutchler, Mr. Margerum and Dr. Barber.

Appearances as before noted (Mr. Stallman being absent).

Case resumed pursuant to adjournment.

Rebuttal.

DELOS W. COOKE, sworn for the petitioners.

Direct-examination by Mr. Wall:

Q. Mr. Cooke, what is your present occupation? A. I am associate director of the Cunard Steamship Company.

Q. And as such do you have charge of their terminal properties, purchase of their terminal properties? A. In association with my colleagues in New York.

Q. Have you had any training or familiarity with traffic matters? A. I think I may say so.

Q. In what respect? A. For a great many years I have been connected with various railroad properties in the United States, experience lasting over thirty years in railroads east and west. For twenty odd years or more I was connected with the Erie Railroad, and at the time of my joining the Cunard Line in 1918, I was vice-president of the Erie Railroad Company, in charge of its traffic.

Q. When you say that you are associate director of the Cunard Steamship Company, you don't use the word "director" in the sense of member of a board of directors, do you? A. No. The board of direc-

tors of the Cunard Company is in Liverpool. I am an associate director, and an American living in New York.

Q. Yes. And who is the other director here? A. Sir Ashley Sparks, is a director of the company, and Mr. Robert Blake is the other associate director.

Q. Now, were you familiar with this Cunard purchase over in New Jersey? A. Yes.

Q. Had you known that property for some time before the purchase? A. Yes, quite intimately.

Q. You said that you were connected with the Erie Were you ever a vice-president of the Erie? A. Yes. I was vice-president at the time I joined the Cunard Line.

Q. And vice-president more particularly in what—concerned with what activity of the road? A. The traffic of the company.

Q. Yes. And during the war what was your work? A. I was still a vice-president of the Erie Railroad but assigned to the purchasing and traffic of the American Red Cross at Washington. I was there, and I was also in executive control of a board set up by the French, British and Italian Governments for the handling of all their export traffic during the war.

Q. Yes. And it was after the war that you became associated with the Cunard as resident manager? A. Actively. I joined them six months before that. Another position that I was obliged to take during the war was that of fuel administrator of the State of New York, in 1918.

Q. I see. Now, when did your active association with the Cunard begin? A. In 1919.

Q. Yes. And you have been with them ever since? A. Ever since, yes.

Q. Did you have to do with the negotiations for the purchase of this property in Weehawken? A. Yes.

Q. On behalf of your company? A. Yes.

Q. And with what company did you deal? A. My first dealing was with the Delaware & Hudson Company for their old coal terminal property immediately adjoining the Erie Railroad terminal, freight terminal, at Weehawken on the north about eleven hundred feet of very desirable water front there that was the nucleus of the Cunard terminal.

Q. I see. Do you know the price paid by your company? A. Yes.

Q. What was it? A. Two thousand dollars a running foot.

Q. And that was the price paid to the D. & H.? A. Delaware & Hudson, yes.

Q. Yes. And can you state what the considerations were that were influential with you and your company in picking out this particular piece of water front? A. Yes. As I have indicated, I was familiar with the traffic passing through the Port of New York, and was very desirous of securing for my—Cunard and associates, and several steamship lines which we will mention later, affiliated with them, a tract of property that would give us rail head connections for our steamers. Having had a long experience with the difficulties and expense of lighterage in New York Harbor, we—I was firmly convinced that the only way to reduce expenses both for the rail carriers and for the steamship lines, was to get some point where steamers could come right into the harbor, right up to the dock, and connect directly with

the rail head, and eliminating lighterage as far as possible. This Delaware & Hudson tract, which had been abandoned as a coal pier for a great many years, had always rather figured in our plans on the Erie Railroad as an extension of our Weehawken facilities, and as a matter of fact, there was a verbal option given by the Delaware & Hudson to the Erie Company for the purchase of that property, the option being that no sale would be made until the Erie had a chance to buy it. We had thought that we might be able to put one of two additional piers up there for the very purpose of attracting ocean steamship lines. As a matter of fact, negotiations were on at one time with Furness, Withy & Company to use the property in that way. So that when I joined the Cunard Line and found that the very large fleet that we had under construction and in service was inadequately served by piers now under lease from the City of New York, and being absolutely convinced that the New Jersey side is the real place to handle ocean going traffic through the Port of New York, we entered into negotiations with the Erie first to take over their option of the Delaware & Hudson, and then directly with the Delaware & Hudson themselves to secure that piece of property as a nucleus for a large terminal.

Q. The Cunard business prior to that time was scattered over the various rivers and harbors around New York, wasn't it? A. Yes; most unfortunately so we thought. The Cunard Line proper has piers at the Chelsea Piers, 53, 54 and 56 and Pier 71 in the North River. The Anchor Line has Pier 63. That is a line practically owned by the Cunard Line.

The Commonwealth and Dominion Line, which is owned by the Cunard Line, has a pier at the New York Docks. Messrs Funch, Eddy & Company, who are associated with the Cunard Line, and are agents for a number of steamship companies, Scandinavian-American, Holtz, Blue Funnel Line, and various others, are down at Bush docks and occasionally dock at Pouch Terminal. All our interests seemed to center in getting one terminal, if we could, that would accommodate our own ships, and those of our affiliated lines that we represent as agents, where the freight could be handled expeditiously and economically, and sensibly; and until you come to New Jersey to get all the rail connections through this port, you can't do it.

Q. And this property that you purchased, presented to you those advantages, did it? A. Absolutely.

Q. Now, did it have any particular advantages in respect of depth of water, or matters of that kind? A. Yes. The bottom there is soft, you know, and the expense of dredging compared with other locations in the harbor is small. At the end of a thousand foot pier, you get without dredging from 36 to 39 feet of water; quite adequate for the largest steamers.

Q. In your judgment, would it have been preferable for you to have gone further down the river towards Jersey City for the location of your terminal? A. No. This location, the Delaware & Hudson and north, is to my mind the most desirable location in New York Harbor.

Q. In the whole harbor? A. In the whole harbor, yes; nothing comparable with it.

Q. That is, on both sides? A. On both sides, for rail head and steamship—

Q. Why is that? A. Because the New Jersey Junction Railroad, passing directly back of your pierhead line, connects with every trunk line coming into the Jersey side, and by a very simple switching arrangement, all of your export freight can be readily delivered to that terminal, where as on almost any other individual property a complicated arrangement of switching makes the access to and from the property most difficult.

Q. Now, let me get that straight, Mr. Cooke. Is it your opinion that up and down the whole water front, from Weehawken down to Kill van Kull— A. Yes.

Q. —that that location which you have is the best location for a steamship company that is in existence? A. Without any exception whatever.

Q. Well, now, experts have frequently testified before this Board that the North-German Lloyd and the Hamburg-American Line piers were far and away the best pieces of property on the west bank of the Hudson considered from the steamship standpoint. Now, what do you say as to that? A. Well, I adhere to what I said before. The North German Lloyd and Hamburg piers are very well located, so far as their accessibility to Manhattan is concerned and the trucking distance, and that sort of thing, but they have no adequate rail connections. You must bear in mind that a very large proportion of the export business passing through the Port of New York is delivered to the steamship by the railroad. Ninety per cent of the east bound cargo comes from railroads. Not so with west bound. That is largely miscellaneous merchandise from all over the world

that goes into warehouses and stores around New York and is trucked away. Only—a considerably smaller percentage goes west bound in cars. But what we were trying to do was to get a direct rail head delivery, and that is accomplished to the best advantage possible at Weehawken.

Q. Now, when you made this purchase, you also entered into negotiations with the New York Central, or the New York State Realty and Terminal, the company that they have to hold lands? A. Yes. Having acquired the Delaware and Hudson property, we had the nucleus of a terminal only. Of course, you understand in purchasing this Delaware and Hudson property we paid a great deal more than the property was worth on its face value that anybody would think of paying for it as it lay. But we had in mind this larger plan that must be wrapped up with the Delaware and Hudson, and in order to go ahead with out plan we had to pay a very much higher price for the Delaware and Hudson than we had thought would be necessary.

Q. Well, then, the price that you paid represented value as a component part of a comprehensive plan? A. Yes.

Q. Well, now, then what arrangement did you make with the New York State Realty and Terminal Company for additional land? A. We approached them on a proposition of leasing from them the property between the Delaware and Hudson on the north and their Weehawken terminal on the south; in all about twenty-four hundred feet, twenty-four or twenty-five hundred feet.

Q. And did you finally consumate your understanding with them in the form of a lease? A. Oh, yes.

Q. Have you it with you? A. Yes.

Q. Will you produce it? A. Here it is (producing paper).

Mr. Wall: With the Board's permission, I will put in a copy. I offer the lease.

Paper above referred to received in evidence and marked Exhibit P26.

Q. You are familiar with the term of the lease? A. Yes.

Q. What is it? A. It is dated July first—July 28, 1920, and it runs in four periods; first, second third renewal of twenty-one years each; total of eighty-four years?

Q. In all? A. In all, yes.

Q. And what is the rental adjustment for the several periods? A. A flat rental for the entire period of $297,417.60 per annum for the first period, with the privilege of renewing at the same rate for each succeeding period.

Q. So the fact is that the price that you have mentioned is all that the railroad company's subsidiary land company will get eighty-four years from now, is that right? A. That is right. We of course realized that our Delaware and Hudson purchase would form a basis for our rental of the New York Central property, and because we all agreed that the Delaware and Hudson purchase was high, it was understood that there would be no re-valuation of the New York Central lease.

Q. When you say "we all," do you mean you—your company and the New York Central? A. We and the New York Central, yes.

Q. I see. A. Yes.

Q. Now, how about the taxes and assessments? Are they a part of the rental? A. No. We are obliged to pay them.

Q. Yes. Well, then, they really are a part of the rent that you pay? A. Yes. You understand that this lease is not made to the Cunard Steamship Company.

Q. Yes. A. It is to the Cunard Terminal Corporation.

Q. Yes. A. Yes.

Q. That is the company that holds these terminals? A. That is the company that holds these terminals, yes.

Q. Well, now, then what were the general conditions of shipping at the time that you entered into and perfected these negotiations with the D. and H. and the New York Central? A. The shipping conditions were at a very prosperous level at that time.

Q. And did you at that time and the other men associated with you, who were students of those conditions, believe that they were going to continue, or that they were going to decline?

Mr. Stout: If the Board please, I object to this. It seems to me that if Mr. Wall is going to testify—

Mr. Wall: All right. He has his chance of answering the question up or down. I don't see how you can lead less than that.

Mr. Stout: You might ask him what the conditions were.

Mr. Wall: Well, I will frame the question any way you want it.

Mr. Stout: Oh, let it go in.

Mr. Wall: He throws me down first and helps me up.

The President: You may answer the question.

A. What is the question, please?

Q. (Question read.) A. We hoped that they might continue, but having had a long experience in shipping business, our people were by no means certain. They were certain of this, however, that they were replacing the steamship tonnage lost during the war, and that whether conditions were good or bad, a home in New York Harbor where we might consolidate all of our activities, was a most desirable thing.

Q. Yes. Now, what has been the history of shipping conditions, largely considered, since the time of the purchase? A. The cargo business has declined very much indeed.

Q. And how about idle ships? A. We supplemented our existing fleet at the close of the war with chartered ships and as the cargo business declined, we did not renew those charters.

Q. I see. A. So that we have very few idle ships because our passenger business is fairly good, and the greater part of our fleet now in service on the North Atlantic is a passenger carrying fleet.

Q. Well, now, Mr. Cooke, we see in the papers illustrations of ships in almost endless perspective, anchored in out of the way harbors that are said to belong to the Shipping Board of the United States authorities, idle ships. Is that true? Is that a— A. I don't know.

Q. Well, when you were speaking of shipping conditions, you were speaking more with respect to the experience of your own line? A. Yes.

Q. Well, what—

The President: Well, the situation must be thoroughly unique as regards your particular line. You say you have an absence of idle ships. It is a notorious fact—

Mr. Wall: Well, it is because they have passenger business.

The Witness: Yes.

Mr. Wall: And they supplemented their losses of ships by chartering ships and they have let the charters go, you see.

The President: Oh.

The Witness: Yes, we are down to our passenger fleet supplemented by a limited number of cargo ships.

The President: And you are approaching normalcy in shipping, is that it?

The Witness: Not with regard to cargo, no, because we are not getting full cargoes for our ships.

Q. Well, no steamship lines are getting full cargoes are they, the large lines? A. No, not at any rate so far as I have observed.

Q. What can you say as to the general shipping conditions as regards cargo prior to January 1, 1921, as compared with the period since that time? A. Well, there has been less cargo since 1920 up to the present time than there was immediately after the war, if that answers your question.

Q. Yes. And when you say less, can you give us any approximate idea? Is it much less, or slightly less, or— A. Oh, it is much less and rates are very much lower. The level of rate has gone down tremendously.

Mr. Wall: Cross-examine.

CROSS-EXAMINATION by Mr. Stout:

Q. How did the shipping of cargo as of January 1, 1920, compare with January 1, 1921? A. It was considerably better.

Q. Better in 1921 than 1920? A. No, no. No, no. Better in 1920 than in 1921.

Q. And it is still today declining? A. It is down to about the 1921 level.

Q. The rental as provided in the lease which has been offered in evidence is two hundred ninety-seven thousand odd dollars per annum? A. Yes.

Q. In addition to that the Cunard pay the taxes? A. The Terminal Company.

Q. I mean the Terminal Company, yes. A. The Terminal Company pay the taxes, yes.

Q. Was that rental based upon an appraised or estimated value of the property leased? A. It was based in this way: We paid as I have testified two thousand dollars a running foot for the Delaware and Hudson property. As that adjoins the New York Central property or the Realty Company property, they placed the same value on their property for renting purposes. So the rental is determined on the basis of two thousand dollars a foot for twenty-four hundred, twenty-five hundred feet, at a rate of six per cent interest.

Q. How does the depth of the land leased by the New York State Realty and Terminal Company to the Cunard Terminal Company compare with the depth of the Cunard purchase? A. You understand we propose to build one thousand foot piers there. Out at the outer end of the pierhead line, the water is substantially the same depth for the entire distance

from the Forty-second Street ferry down to the Erie terminal. It is right along there the soundings will show from 34, 35, 36, 39 feet.

Q. The water is the same depth? A. The water is the same depth there.

Q. But I didn't have that in mind. The depth of the land back of the shore— A. Oh, the depth of the land back.

Q. What is the comparison? A. It is somewhat narrower.

Q. Which is somewhat narrower? A. You see here (indicating on map), the Delaware and Hudson property has this much in shore depth, assuming that this is the bulkhead line down here.

Mr. Bain: Here is your bulkhead line up here (indicating).

The Witness: The bulkhead line?

Mr. Bain: This is the actual bulkhead line.

Mr. Stout: He is talking about the physical bulkhead line.

The Witness: But I am talking about the physical bulkhead line.

Mr. Stout: Yes.

The Witness: No, I am talking about the physical bulkhead line. You mean the in shore depth on which we might build?

Mr. Stout: Yes.

The Witness: Yes, that is right.

Mr. Jess: Can you indicate on the map the land purchased and the land leased?

Mr. Dunham: 1,255 feet back from the pierhead line.

Mr. Stout: All of that leased?

Mr. Dunham: Yes.

Mr. Stout: The Cunard purchase is about the same depth, isn't it?

Mr. Dunham: No, it is a little deeper.

The Witness: It goes a little further back.

Mr. Stout: What is the depth as indicated here?

Mr. Bain: Well, it is all on the map, and it is in evidence.

Mr. Graham: Mr. Jess wants to know just how many feet. You didn't take it all, did you Mr. Cooke?

The Witness: No.

Mr. Graham: They left about 500 feet here, didn't they?

The Witness: The New York Central lease? No, we took everything there.

Mr. Graham: Got a map there?

Mr. Wall: It is annexed to the lease, isn't it?

Q. In your opinion was the land involved in the lease of the New York State Realty and Terminal Company to the Cunard Terminal Company as available and adaptable to the uses of the Cunard Steamship Company as the land involved in the purchase? A. Practically.

Q. And what would you say of the land a little further north, which is comprehended in the terminal yard of the New York Central Railroad Company?

Mr. Wall: Well, I object to that question. This witness is not produced here to value lands.

Mr. Stout: But I understand I am asking him for the purposes of the Cunard Company.

Mr. Wall: Oh, for the purposes of the Cunard Company?

Mr. Stout: Yes.

Mr. Wall: All right. I withdraw the objection.

A. That property on the north is improved property.

Q. Yes, I know it, but I mean as to location, as to depth of water in front, physical characteristics, leaving out the fact that the New York Central yard is what we call improved property and the Cunard property is unimproved property? A. Generally speaking, it is of about the same value.

Q. When you say that you paid more than the property involved in the Cunard purchase was worth, how do you arrive at your standard of value or worth? A. As I have testified, I was for many years connected with the Erie Railroad, and I was very anxious to see the Erie acquire that property for future development. We had always had in mind among ourselves in the Erie official family that the price for that property, if we could get it from the Delaware and Hudson, would be a million dollars. That was as a railroad terminal, having no steamship partner or connection with it; just as an addition to our Weehawken terminal; we thought we could buy it for a million dollars.

Q. This property? A. That property there, yes. It developed when we were negotiating for this, or some time after I had taken over the verbal option of the Erie from Mr. Lourie, of the Delaware and

Hudson, that he would let us have the opportunity of purchasing it before it was sold to anybody else, that the American Sugar Refining Company were looking for a location for another refinery in New York Harbor, and they interviewed the Delaware and Hudson on the subject and naturally brought a competitor into the field for the property, and that immediately gave the Delaware and Hudson some advanced ideas of value, the result being that they put their price at $2,000 a foot, and as we had started on this thing and needed it for development of—really it was the key to the situation, we had as our English friends would say, to "pay through the nose" for it.

Q. Did you learn in your negotiations that the American Sugar Refining Company would have purchased this property? A. I knew nothing about whether they would or would not. I knew that they were considering it very carefully and very seriously, as a matter of fact their management was rather committed to it if they could get it.

Q. Did you look at any other properties along the shore for the purpose of getting a price? A. I wouldn't look at any other properties at all if I could get that.

Q. I see. A. That is the situation.

Q. You didn't consider the properties down at Hoboken? A. No.

Q. Did you, when you were estimating the value of this piece of property, make inquiry or ascertain what property had sold for recently? A. No.

Q. On the shore front? A. No.

Q. That wouldn't have helped you any? A. Not a bit. Not a bit.

Q. Your valuation is based then largely upon the fact that when you were with the Erie Railroad the officials then thought that a million dollars would be a fair price to pay for this property? A. That is right.

Q. And when did the officials of the Erie Railroad come to that conclusion? A. Oh, we had talked about it for years.

Q. Years? A. Yes. Ever since—almost ever since the Delaware and Hudson abandoned that coal dock.

Q. You hadn't taken into consideration that there had been a rising market value along the shore front? A. No, not especially. I thought we could get it—oh, I supposed there would be some advance, you know, because they were doing nothing with it and it was a question of their opportunity to sell.

Q. In other words, isn't your value based upon what you thought you ought to pay for this property for the Cunard Company, rather than what the property would bring in the market? A. Yes.

Mr. Stout: That is all.

By Mr. Jess:

Q. Just one question, Mr. Cooke, did I understand that your purchase of this Delaware and Hudson tract was contingent upon your ability to secure the lease from the New York Central? A. No, we bought the Delaware and Hudson tract without any agreement with the—

Q. Could you have developed according to the plans you had in mind if you had been unable to acquire this lease? A. We couldn't have developed as much as we wanted to develop. We could have put two piers there.

Q. May I ask you this then: If you had known that it was impossible to acquire this lease from the New York State Realty Company, would you still have made the purchase of the Cunard tract, or the Delaware and Hudson tract? A. Well, may I answer that in this way? We felt reasonably sure that we could secure a lease of at least a part of that property. We didn't know that we could get it all, but we were reasonably sure we could get a part of it so that we could put in perhaps one or two additional piers on the north. We had that very distinctly in mind when we purchased the Delaware and Hudson property.

Mr. Jess: Go ahead.

Mr. Wall: We haven't anything further.

The President: Any further questions?

Mr. Wall: I guess that is all, Mr. Cooke.

ROBERT M. CLARK, sworn for the petitioners.

Direct-examination by Mr. Wall:

Q. Mr. Clark, you are employed in what capacity by the New York State Realty & Terminal Company? A. Land and tax agent of the New York State Realty & Terminal Company in the State of New Jersey and practically in the entire State of New York, for that company.

Q. Yes. And were you familiar with these negotiations between the Cunard Terminal and your company? A. Yes, sir.

Q. In respect of this location? A. Yes, sir.

Q. Will you describe what the proposition was?

Mr. Stout: Well, now, may it please the Board, it seems to me that if Mr. Clark is going to testify in respect to negotiations which were consummated in a lease, that the lease is the final repository of the thoughts and considerations of the parties and the lease speaks for itself.

Mr. Wall: Well, I don't think there is much doubt that the lease does speak for itself, but here is a lease put in, only one copy of it, and here are all the Board in session, and here is a man that has had actual knowledge of the transactions, and it does seem as though the effective way is to touch on the high spots in the lease and go over it so that the thing can be dealt with right on the spot. Of course anything that he says that is overridden by the words of the lease is overridden; there is no question about that.

Mr. Stout: It seems to me it is a dangerous precedent.

Mr. Jess: Don't you think we had better, Mr. Wall, depend upon the lease to explain what the negotiations resulted in?

Mr. Wall: But can he not go into the considerations which entered into the lease?

Mr. Jess: If the lease on its face doesn't make it perfectly clear what the consideration was, then he has, of course, I think, the right to go into it.

Mr. Wall: Well, I think the lease doesn't. Here is a lease between a steamship company, and a subsidiary company of a railroad. Now, of course, the desire of the railroad

to have permanent traffic located along its line is an implication which you could make from the very names of the parties, to some extent, but to get any really reliable standard to go on, it ought to be explained. You see it goes to the weight of it. Mr. Stout's objection goes to the weight of the testimony. The Board can accord proper weight to it after the testimony is in.

Mr. Bain: Isn't it proper for us to prove the circumstances that led up to the making of the lease? You have got the ultimate result of the negotiations in the lease, but it seems to me we ought to be permitted to show the circumstances that led to the making of that lease.

Mr. Jess: I am not sure about that. I think you may show any—

Mr. Wall: Well, let me put this question then?

Mr. Jess: Well, go ahead. Let's see what the question is.

Q. What was the method that your company used in arriving at the rental? A. We took into consideration the fact the lease to be made, to be consummated, was to extend through a continuous term of eighty-four years; that the rental was to be a fixed rental; that the establishment of this improvement immediately adjacent to the New Jersey Junction Railroad with its incidental connection with our other lines was more or less of an inducement itself to make the rentals of a type that were attractive to the Cunard Terminal Corporation, inducing that company to enter into this agreement to take over the lands for

that period of time. We, however, wanted to be insured of a sufficient return on our investment as it existed, or as our investment would develop in value during the period of the lease. Therefore, for our purposes in establishing the rental to be reserved in the lease, which rentals were insured or to be insured during a period of eighty-four years, we took what we considered to be the actual value of the property twenty-five years subsequent to the date of making the lease, and figured our rentals on that basis, figuring that we would make a rental return larger than that to which we were entitled during the first twenty-five year period, receiving a rental perhaps less than that which we were entitled to for the balance of the period, but at the end of the twenty-five year period the freight terminal would be developed to such an extent that the earnings returned from the use of the freight terminal would neutralize our loss in rentals due to the increase in value after the twenty-five year period. Therefore we took two thousand dollars a front foot as the value of the property and applied it to the 2478.48 feet on the bulkhead line, produced our value and applied six per cent to that, which produced a rental of $297,417.60.

Mr. Wall: Cross-examine.

CROSS-EXAMINATION by Mr. Stout:

Q. What is the actual frontage? A. The actual frontage is 2478.48 feet on the bulkhead.

Q. Mr. Clark, will you tell us how the guiding minds of the New York Central could look twenty-five years ahead and determine the value of this property as of that date? A. The guiding minds of the

New York Central worked by depending upon those of us like myself who are employed to do this kind of work, and I was principally the person responsible for fixing that value.

Q. Well, now, then will you tell us how this property is going to be worth twenty-five years from the date of the lease the value which you used as the basis in determining the rental value? A. The land today, the King property, so-called, has a frontage of 2,500 feet, in round numbers, practically an undeveloped proposition except so far as it is developed immediately south of Clifton Road by the Union Dry Dock Company, which is a small shipping repair company. The Cunard people are obligated in the lease to make certain improvements, and in the copy of the lease which is in evidence is a general plan showing improvements to be made. The improvements made on that property would naturally increase the value of the land. It is self-evident that improved property is always worth more than unimproved property is worth as to land. The moment the improvements were put in the land, business, rail and steamship, would be attracted to that property, help would have to be employed to take care of the business, which would increase the population and the demand for housing facilities in that section, which would compel us to enlarge perhaps the facilities in our Weehawken yard to handle the business and put in a greater amount of trackage, all of which would tend to increase the value of the property by the application of natural rules of producing density of operation in any place through improvements to handle

that density will produce an equivalent increase of value.

Q. Did you take into consideration that the Cunard Steamship Company might not be a success, that shipping might drop off, and instead of this growing as you have dreamed it will grow, it might not come true? Or did you base it upon an actuality that nothing could stop it? A. We anticipated a falling off of shipping at the time the lease was made, the falling off of shipping to occur some time in the near future. The exact date of that falling off we could not anticipate, nor could we say exactly how long it would continue. We felt that the steamship companies would find themselves in the same condition as to the movement of freight that the railroad found themselves, due to the unsettled conditions which followed the war and the reorganization of business, the going out of business of certain companies and individuals who were manufacturing war products and turning the country over from a war to a peace basis that incidentally there would be a falling off but that it would be more or less temporary. The duration of time and the exact moment when it would occur was a matter of speculation with us, but we were reasonably certain that that would not be a permanent proposition and that when New York Harbor had those advantages and had every advantage of rail facility back of this, with housing facilities available, with everything inviting trade to come there and pass through that terminal portal, we felt certain there would be an increase in value of the property.

Q. Did you take your opinion of the value of the property involved in this lease at the time of the mak-

ing of the lease as the basis upon which to build for the future? A. Just read that question. I don't think I get that, Mr. Stout.

Q. (Question read.) A. Yes.

Q. And how much in your opinion did you think that this property would increase in value in twenty-five years from the date of making the lease in percentage? A. I figured in twenty-five years it would probably increase in the neighborhood of sixty-six per cent. I figured the property worth today as it stood approximately three millions of dollars, that it would be worth in twenty-five years approximately five million.

Q. Your company bought property above this, did it not? A. Yes, sir. I handled the transaction.

Q. Did you buy that on the same theory? A. No, there was a different theory on that. We anticipated valuation in that purchase to a very large extent. We anticipated our needs, anticipated our future needs, and this was an available piece of property, and we were one of the competitors, or one of the competitive bidders for the property, and we bought a thousand feet for our future needs.

Q. If you hadn't leased the lower tract to the Cunard, you wouldn't have been compelled to acquire the northern tract, would you? A. Our lease of the lower tract was consummated on July 28, 1920, and our purchase was March 26, 1920.

Q. So you purchased the property north before you leased— A. Absolutely. Anticipating going into the market and grabbing all the business in sight.

Q. And you thought that it was worth that much to you, the price that you paid for it? A. It wasn't worth that much to us at that moment, no. It wasn't worth what we paid for it. We bought it anticipating future needs and getting future business and trying to hold business to our rails.

Q. Well, you thought it was a good thing to take this property out of the market and be sure that you had it for the future, at that price, is that your idea? A. We didn't care how much it was in the market as long as we had it.

Q. So you got it? A. Yes.

Q. And you feared competition, did you? A. No, we didn't fear competition.

Q. Well, did you have any competition? A. Oh, in that bidding?

Q. Yes. A. For that piece of property?

Q. Yes. A. Yes, the Luckenbach people were after it, the American Sugar Refinery got their fingers into it, the Norton and Lilly people were looking at it.

Q. So you got this property in competition with others? A. Yes.

Mr. Stout: That is all.

Mr. Jess: Well, Mr. Clark, I may be a little confused on this, but do I understand you to say that in your opinion this land will be worth two thousand dollars a running foot twenty-five years hence?

The Witness: Yes, sir.

Mr. Jess: That is your idea, is it?

The Witness: Yes, sir.

Mr. Jess: That is all.

RE-DIRECT EXAMINATION by Mr. Wall:

Q. Mr. Clark, what was the nature of this competition you speak of, bidding? A. The property which we acquired at the time that negotiations were on, the lower 400 feet of it, was in the Twombly Estate (producing map) and held under option from the Twombly Estate by the Lord Construction Company. The upper 600 feet, which we bought in connection with the other property, other lands, had been purchased by the Edgecliff Realty Corporation from the Woodcliff Land & Improvement Company. The Edgecliff Realty Corporation is one of the companies tied up with the Lord companies. When I went in and began negotiations with Col. Waite, of the Lord Construction Company, and also with the Edgecliff Realty Corporation, I found that I was in competition with the Luckenbach people who were at that time desirous of getting a terminal on the West Shore of the river, and who have since bought the Shamberg property. I also found that the Norton-Lilly Company were anxious to get in there. They were in there—discussing with Col. Waite for this property.

Q. They are a steamship company, too? A. They are a steamship company. And I was informed that the American Sugar Refinery Company were interested in it by Mr. Colburn, the broker in lower New York. I therefore suggested a price to Col. Waite in order that we might get the property and hold it against our future needs, having in mind the fact that negotiations were pending with the Cunard Terminal Corporation for a desirable lease which would take out of our possession for a period of eighty-four years such an amount of lands that we would

possibly find ourselves in a short time cramped for room in our main yard.

Q. It was a speculative purchase then? A. Absolutely. To protect ourselves in the making of this lease which would take out of our possession a large acreage of land for a period of eighty-four years.

Mr. Jess: You see there is another important clause in this lease, and that is that the lessee is bound to develop this property in a certain way by the building of piers, and unless it shall build those piers or commence the construction of them within a definite time they are in default in that respect, then they may be required to vacate. That is true, isn't it?

The Witness: Yes, sir. I took into consideration the fact that the development of this property must follow as a matter of course the execution of this lease, and that thing would be *in esse* in a period of twenty-five years or else the lease would be defaulted and that thing being in existence, the value would be there.

Mr. Stout: Do the improvements which were to be put on this leased property revert to the New York State Realty and Terminal Company at the expiration—

The Witness: Yes, at the expiration of eighty-four years.

Mr. Wall: Of course that wouldn't be so important, Mr. Jess, as it was the avowed purpose of the Cunard to do that and everybody knew it. I mean it isn't something—not an additional obligation placed upon them. They intended to do that, wouldn't

want the property unless they did do that. I mean to say it is hard to say how much reasoning as to value could be based upon it.

Mr. Jess: Well, it might very largely, it seems to me, influence the mind of the lessor in making the terms by reason of the fact that this development—that they were obliged to make this development during this period.

Mr. Wall: Undoubtedly. They wanted to do the business and they wanted to get in shape where they could do the business. They wouldn't have done it if the property was to lie idle.

Q. In this competitive bidding were any prices offered by these other people, so far as you knew? A. I was told what prices I had to meet.

Q. I see. A. And I had perfect confidence that what Col. Waite told me in that respect was absolutely the fact.

Mr. Wall: That is all.

Mr. Stout: That is all.

A recess was here taken until 2. P. M.

After recess.

Mr. Bain: Is the testimony closed? Both sides rest?

Before proceeding with the argument I want to offer schedules of the values stated by Mr. Corbin. They have not been offered in evidence before. That will put in schedule form the testimony of all the experts.

Schedules of appraisals of Floyd S. Corbin received in evidence and marked as follows:

New York Central appraisals	P27
D. L. & W. appraisals	P28
Erie Railroad appraisals	P29
Pa. Railroad appraisals	P30
Lehigh Valley appraisals	P31
Central R. R. appraisals	P32

INDEX TO VOLUME III.

WRITS, RETURNS, EXHIBITS.

Pennsylvania R. R. System—United New Jersey Railroad & Canal Company.

	Page
Writ of Certiorari	1337
Allocatur	1340
Return of State Board of Taxes and Assessment	1341
Exhibit A. Assessments on Main Stem	1343
Exhibit B. Assessments on Second Class Property	1344
Exhibit C. Complaint	1346
Exhibit D. Additional Complaint	1349
Exhibit E. Abstract from Minutes of State Board	1352
Exhibit F. Mr. Jess' Proposal	opp. 1374
Exhibit G. Final Determination	1378
Return of State Comptroller	1379
Certificate	1380
Schedule of Assessments	1382
Reasons	1386
Opinion of Supreme Court	1388
Rule for Judgment	1397
Notice of Appeal	1399
Deputization	1657

Pennsylvania R. R. System—New York Bay Railroad Company.

Writ of Certiorari	1403
Allocatur	1406
Return of State Board of Taxes and Assessment	1407
Exhibit A. Assessment on Main Stem	1409
Exhibit B. Assessment on Second Class Property	1410
Exhibit C. Complaint	1411

Page

Exhibit D. Additional Complaint 1414
Exhibit E. Abstract from Minutes of State Board 1416
Exhibit F. Mr. Jess' Proposal 1416
Exhibit G. Final Determination 1417
Return of Comptroller 1418
Certificate 1419
Schedule of Assessments 1421
Reasons 1421
Opinion of Supreme Court 1388
Rule for Judgment 1422
Notice of Appeal 1424
Deputization 1657

New York Central System—West Shore Railroad Company.

Writ of Certiorari 1427
Allocatur 1430
Return of State Board of Taxes and Assessment 1431
Exhibit A. Assessment on Second Class Property 1434
Exhibit B. Complaint 1436
Exhibit C. Supplemental Complaint 1441
Exhibit D. Abstract from Minutes of State Board 1444
Exhibit E. Mr. Jess' Proposal 1445
Exhibit F. Final Determination 1445
Return of Comptroller 1446
Certificate 1447
Schedule of Assessments 1449
Reasons 1449
Opinion of Supreme Court 1388
Rule for Judgment 1450

New York Central System—New Jersey Junction Railroad Company.

	Page
Writ of Certiorari	1451
Allocatur	1453
Return of State Board of Taxes and Assessment	1454
Exhibit A. Assesments on Main Stem	1456
Exhibit B. Complaint	1457
Exhibit C. Supplemental Complaint	1462
Exhibit D. Abstract from Minutes of State Board	1465
Exhibit E. Mr. Jess' Proposal	1466
Exhibit F. Final Determination	1466
Return of Comptroller	1467
Certificate	1468
Schedule of Assessments	1470
Reasons	1470
Opinion of Supreme Court	1388
Rule for Judgment	1479

New York Central System—New York & Fort Lee Railroad Company.

Writ of Certiorari	1472
Allocatur	1473
Return of State Board of Taxes and Assessment	1474
Exhibit A. Assessments on Main Stem	1476
Exhibit B. Complaint	1477
Exhibit C. Supplemental Complaint	1482
Exhibit D. Abstract from Minutes of State Board	1485
Exhibit E. Mr. Jess' Proposal	1486
Exhibit F. Final Determination	1486
Return of Comptroller	1487
Certificate	1488
Reasons	1489
Opinion of Supreme Court	1388
Rule for Judgment	1490

Central Railroad of New Jersey.

	Page
Writ of Certiorari	1491
Allocatur	1496
Return of State Board of Taxes and Assessment	1497
Exhibit A. Assessments on Main Stem	1500
Exhibit B. Assessments on Second Class Property	1501
Exhibit C. Complaint	1503
Exhibit D. Additional Complaint	1507
Exhibit E. Abstract from Minutes of State Board	1509
Exhibit F. Mr. Jess' Proposal	1510
Exhibit G. Final Determination	1510
Return of Comptroller	1511
Certificate	1512
Schedule of Assessments	1514
Reasons	1521
Opinion of Supreme Court	1388
Rule for Judgment	1522
Notice of Appeal	1526
Deputization	1657

Erie R. R. System—Long Dock Company.

Writ of Certiorari	1530
Allocatur	1534
Return of State Board of Taxes and Assessment	1535
Exhibit A. Assessments on Main Stem	1537
Exhibit B. Assessments on Second Class Property	1538
Exhibit C. Complaint	1541
Exhibit D. Additional Complaint	1545
Exhibit E. Abstract from Minutes of State Board	1549
Exhibit F. Mr. Jess' Proposal	1549
Exhibit G. Final Determination	1549

Page
Return of Comptroller 1550
Certificate 1551
Schedule of Assessments 1553
Reasons 1553
Opinion of Supreme Court 1388
Rule for Judgment 1554
Notice of Appeal 1559
Deputization 1657

Erie R. R. System—Arlington R. R.

Writ of Certiorari 1565
Allocatur 1566
Return of State Board of Taxes and Assessment 1567
Exhibit A. Assessments on Main Stem .. 1569
Exhibit B. Complaint 1570
Exhibit C. Additional Complaint 1573
Exhibit D. Abstract from Minutes of State Board 1577
Exhibit E. Mr. Jess' Proposal 1577
Exhibit F. Final Determination 1577
Return of Comptroller 1578
Certificate 1579
Schedule of Assessments 1579
Reasons 1580
Opinion of Supreme Court 1388
Rule for Judgment 1581

Lehigh Valley Railroad of New Jersey.

Writ of Certiorari 1582
Allocatur 1590
Return of State Board of Taxes and Assessment 1591
Exhibit A. Assessments on Main Stem .. 1593
Exhibit B Assessments on Second Class Property 1596
Exhibit C. Complaint 1599
Exhibit D. Additional Complaint 1603

Page

Exhibit E. Abstract from Minutes of State Board 1605
Exhibit F. Mr. Jess' Proposal 1606
Exhibit G. Final Determination 1606
Return of Comptroller 1607
Certificate 1608
Schedule of Assessments 1610
Reasons 1613
Opinion of Supreme Court 1388
Rule for Judgment 1614
Notice of Appeal 1620
Deputization 1657

D., L. & W. R. R. System.

Writ of Certiorari 1624
Allocatur 1627
Return of State Board of Taxes and Assessment 1628
Exhibit A. Assessment on Main Stem ... 1630
Exhibit B. Assessment on Second Class Property 1631
Exhibit C. Complaint 1635
Exhibit D. Additional Complaint 1641
Exhibit E. Abstract from Minutes of State Board 1642
Exhibit F. Mr. Jess' Proposal 1642

Page

Exhibit G. Final Determination 1643
Return of Comptroller 1644
Certificate 1645
Schedule of Assessments 1647
Reasons 1649
Opinion of Supreme Court 1388
Rule for Judgment 1650
Notice of Appeal 1653
Deputization 1657

EXHIBITS OF RAILROAD COMPANIES.

		Offered page	Printed page
P1.	List of Sales of Water Front Property	5	1659
P2.	Map of Lands on Water Front	47	1659
	Appraisals by Robert Huntley.		
P3.	Pennsylvania R. R. Co.	277	1660
P4.	New York Central R. R. Co.	277	1661
P5.	Lehigh Valley R. R. Co.	355	1663
P6.	Central R. R. Company of N. J.	355	1665
P7.	Erie Railroad Company	355	1667
P8.	D., L. & W. R. R. Co.	355	1668
	Appraisals by Thomas A. Ryer.		
P9.	Pennsylvania R. R. Co.	366	1669
P10.	Lehigh Valley R. R. Co.	366	1671
P11.	Central R. R. of New Jersey	366	1677
P12.	Erie Railroad Company	366	1680
P13.	D., L. & W. R. R. Co.	366	1683
P14.	New York Central R. R. Co.	366	1685
P15.	List of Sales of Land	593	1688
	Appraisals by Charles W. Morrison.		
P16.	New York Central R. R. Co.	612	1691
P17.	D., L. & W. R. R. Co.	612	1694
P18.	Erie Railroad Company	612	1696
P19.	Pennsylvania R. R. Co.	612	1699
P20.	Lehigh Valley R. R. Co.	612	1701
P21.	Central R. R. of New Jersey	612	1706
P22.	Grant by the State of New Jersey to Lehigh Valley R. R. Co.	768	1709

	Offered page	Printed page
P23. Table Showing Rate of Return on Investment—Lehigh Valley Railroad Company		1721
P24. List of Sales of Water Front Property	782	1722
P25. Map of Lands on Water Front (same as P2)	783	1724
P26. Lease—Cunard Terminal Corporation	1314	1724

APPRAISALS BY FLOYD S. CORBIN.

P27. New York Central R. R. Co. ...	1335	1761
P28. D., L. & W. R. R. Co.	1335	1763
P29. Erie Railroad Company	1335	1765
P30. Pennsylvania R. R. Co.	1335	1766
P31. Lehigh Valley R. R. Co.	1335	1768
P32. Central R. R. of New Jersey ..	1335	1770

EXHIBITS OF STATE.

APPRAISALS BY FREDERICK DUNHAM.

S1. New York Central R. R. Co. ...	825	1773
S2. D., L. & W. R. R. Co.	837	1777
S3. Erie Railroad Company	841	1780
S4. Pennsylvania R. R. Co.	859	1783
S5. Lehigh Valley R. R. Co.	859	1786
S6. Central R. R. of New Jersey ..	865	1794

APPRAISALS BY THOMAS P. GRAHAM.

S7. New York Central R. R. Co. ..	1047	1798
S8. D., L. & W. R. R. Co.	1055	1799
S9. Erie Railroad Company	1057	1800
S10. Pennsylvania R. R. Co.	1067	1801
S11. Lehigh Valley R. R. Co.	1071	1802
S12. Central R. R. of New Jersey ..	1075	1803

APPRAISALS BY CHARLES SINGER, Jr.

	Offered page	Printed page
S13. New York Central R. R. Co. ..	1200	1804
S14. D., L. & W. R. R. Co.	1221	1806
S15. Erie Railroad Company	1228	1807
S16. Pennsylvania R. R. Co.	1229	1809
S17. Lehigh Valley R. R. Co.	1236	1810
S18. Central R. R. of New Jersey ..	1242	1815

Writ of Certiorari.

Allowed September 2, 1922;
Returnable September 22, 1922.

New Jersey, ss:

(Seal.) The State of New Jersey to the State Board of Taxes and Assessment, and Newton A. K. Bugbee, Comptroller of the Treasury, Greeting:

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April 10th, 1884," which revising and amending act was approved March 27th, 1888, and the amendments thereof and supplements thereto, on certain property of the United New Jersey Railroad & Canal Company, a corporation, the Pennsylvania Railroad Company, Lessee, enumerated as follows:

THE UNITED NEW JERSEY RAILROAD & CANAL COMPANY

State of New Jersey—State Assessment 1922.
Jersey City, Hudson County, New Jersey.

Description of Property		Area in Acres	Assessed Values for 1922
Main Stem			
	Exterior line for solid filling to Washington Street....	2.932	$281,472
Second Class	Line for solid filling to Henderson Street.....	6.682	588,684
	Land outside main stem, 240′ front on bulkhead line extending south from the north side of Exchange Place to south side of Annex Slip	3.623	344,185
	Land outside main stem, excess north and south of main stem terminal tract from east side of Washington Street to pierhead line	30.564	2,903,580
	Land outside main stem, excess in terminal tract from Henderson Street to Pierhead Line and from a line parallel with and 45′ north of south line of Pier "M" to Morgan Street	98.835	8,707,363

DO COMMAND YOU that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you or any of you, or under your control, you certify and send to the Justices of our Supreme Court at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and Constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this fifth day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

Wall, Haight, Carey & Hartpence,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922, on its property in the State of New Jersey used for railroad purposes, which taxes, so far as they are based upon the property described in this writ, shall be upon the values for 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

NEW JERSEY SUPREME COURT.

PENNSYLVANIA RAILROAD CO., LESSEE OF THE UNITED NEW JERSEY RAILROAD and CANAL CO., Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, COMPTROLLER OF THE TREASURY, and the MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justices of the Supreme Court to the State of New Jersey:

The State Board of Taxes and Assessment complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand, eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922,

certain property of the United New Jersey Railroad & Canal Co., the within named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Items complained of in Second Class Property Assessment, 1922.

Exhibit C. Complaint and Protest.

Exhibit D. Additional Complaint and Protest.

Exhibit E. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit F. Minority statement on Final Determination.

Exhibit G. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,
Frank D. Schroth,
Secretary.

Trenton, N. J., September 22, 1922.

Exhibit A.

ASSESSMENTS ON MAIN STEM.

United New Jersey Railroad & Canal Company Taxing District of Jersey City, County of Hudson.

(Main Stem—Assessment 1922)

Description of Property	Area	Assessed Values
Exterior line for solid filling to Washington Street.....	2.932 acres	$281,472
Line for solid filling to Washington Street	6.682 acres	588,684

Exhibit B.

ASSESSMENTS ON SECOND CLASS PROPERTY.

United New Jersey Railroad & Canal Company
Taxing District of Jersey City, County of Hudson
Valuation and Assessment of Real Estate other than Main stem, for the year 1922

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
* * *

Harsimus Branch.

* *

Land outside main stem, excess in terminal tract from Henderson Street to Pierhead Line and from a line parallel with and 45′ north of south line of Pier "M" to Morgan Street	98.835 Ac.	$8,707,363.00

* *

Exhibit C.

COMPLAINT.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of THE ASSESSMENT OF PROPERTY OF THE PENNSYLVANIA RAILROAD COMPANY and the companies comprised in its System for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey.

Gentlemen:

The Pennsylvania Railroad Company for itself and the Companies aforesaid are aggrieved by the valuations of their property in the State of New Jersey, used for railroad purposes, for assessment for the year 1922, and specify their grievances as follows:

1. The valuations of said property, and of each class thereof, for assessment for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made are erroneous.

3. Said valuations include property not used for railroad purposes.

4. Said property was not valued for assessment for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the

provisions of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem) situated in the respective taxing districts, are at a rate in excess of the rate of assessment upon property of like character and similarly situated, and are not in the same relative proportion of true value as that by which other property in the same taxing district was assessed, and are in excess of and disproportionate to the assessments placed upon the property of other owners in said taxing district, and by reason thereof the said Companies are denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon the prosecutors and their property with no opportunity for the prosecutors to be heard in respect thereof, thereby depriving the prosecutors of their property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to the prosecutors the equal protection of the laws in viola-

tion of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon the prosecutors and their property with no opportunity for the prosecutors to be heard in respect, thereof, while the owners of other property who contribute to the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, unlawful, illegal and unconstitutional, and the statutes under which they were made and levied are unlawful, illegal and unconstitutional.

The taxes on said property for the year 1922, have not been determined and said Companies being without remedy in respect thereof, at this time, reserve their right to object to and complain against said taxes after the same have been determined.

Said companies complain against said valuations for the reasons hereinbefore set forth and request your Honorable Board to review and correct the same.

Dated, November 18, 1921.

THE PENNSYLVANIA RAILROAD CO.

By JOHN P. GAUFF,
Real Estate Agent.

Exhibit D.

ADDITIONAL COMPLAINT.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property used for railroad purposes, of the PENNSYLVANIA RAILROAD COMPANY, Lessee, for taxes payable in the year 1922.	Additional Complaint.

To the State Board of Taxes and Assessment:

The Pennsylvania Railroad Company, Lessee; and the Barnegat Railroad Company; Belvidere Delaware Railroad Company; Camden and Burlington County Railroad Company; Delaware River Railroad & Bridge Company; Freehold & Jamesburg Agricultural Railroad Company; Harrison & East Newark Railroad Company; New York Bay Railroad Company; Pennsylvania & Atlantic Railroad Company; Perth Amboy & Woodbridge Railroad Company; Pennsylvania Tunnel & Terminal Railroad Company; Philadelphia & Beach Haven Railroad Company; Rocky Hill Railroad & Transportation Company, United New Jersey Railroad & Canal Company, and West Jersey & Seashore Railroad Company again complain against the valuations of their respective properties in the State of New Jersey, used for railroad purposes, for taxation in the year 1922, for the reasons stated in the complaint in writing heretofore filed by each of them against the same; and complain against the assessments

thereof and taxes thereon for said year for the same reasons, and also because said assessments were made and said taxes levied by and upon erroneous and unlawful principles, and are excessive, erroneous, wrongful, unconstitutional, unlawful and illegal. Said companies, respectively request your Honorable Board to review and correct said valuations, assessments and taxes upon the testimony and evidence heretofore produced by them, and each of them, upon the hearing by you of their said complaints against said valuations.

Dates, June 17, 1922.

The Pennsylvania Railroad Company, Lessee.
The Barnegat Railroad Company.
Belvidere Delaware Railroad Company.
Camden & Burlington County Railroad Company.
Delaware River Railroad & Bridge Company.
Freehold & Jamesburg Agricultural Railroad Company.
Harrison & East Newark Railroad Company.
New York Bay Railroad Company.
Pennsylvania & Atlantic Railroad Company.
Perth Amboy & Woodridge Railroad Company.
Pennsylvania Tunnel & Terminal Railroad Company.
Philadephia & Beach Haven Railroad Company.
Rocky Hill Railroad & Transportation Company.
United New Jersey Railroad & Canal Company.
West Jersey & Seashore Railroad Company.

By A. ROBENO SMILEY,
Tax Agent.

State of Pennsylvania,
County of Philadelphia, ss:

A. Rubeno Smiley, of full age, being duly sworn according to law, on his oath says, that he is the Tax Agent of the Pennsylvania Railroad Company, Lessee, and the other companies named in the foregoing complaint; that he has charge of matters of assessment and taxation of their respective properties used for railroad purposes in the State of New Jersey; and that the said complaint is true to the best of his knowledge and belief.

A. ROBENO SMILEY.

Sworn to and subscribed to before me this
17th day of June, 1922.
J. Alfred Coxe,
Notary Public.
Commission expires March 5, 1925.
(Seal)

Exhibit E.

Abstracts from Minutes of the State Board of Taxes and Assessment.

Meeting of November 21, 1921.

President Baker announced that this was the date fixed by statute for receiving appeals of railroad companies from assessments made by the Board against railroad property for the year 1922. Appeals were received from the following companies:

Pennsylvania Railroad System,
Central Railroad of New Jersey System,
Erie Railroad System,
Delaware, Lackawanna & Western Railroad System,
New York, Susquehanna & Western Railroad System,
Lehigh Valley Railroad System,
New York Central Railroad System.

The following appearances were entered:

Andrew R. Smiley, for the Pennsylvania Railroad System.

A. R. Condit, representing Robert J. Bain, for the Central Railroad of New Jersey System.

John O. Totten, for the Erie Railroad System, and the New York, Susquehanna & Western Railroad System.

E. T. Lukens, for the Delaware, Lackawanna & Western Railroad System.

Robert M. Clark, for the New York Central Railroad System.

The Secretary laid before the Board a letter from M. M. Stallman, counsel for the Delaware, Lackawanna & Western Railroad System, stating that it was his belief that the evidence to be submitted in the

second class railroad appeals would be identical with that to be offered in the appeals against assessments on third class property. He therefore requested that the hearing fixed for Jersey City on November thirtieth, to review assessments on third class property, be postponed. The Board directed that the communication be received and filed.

The Secretary submitted a letter from Robert J. Bain, as counsel for the Lehigh Valley Railroad System, the Erie Railroad System and the Central Railroad of New Jersey System, also requesting that the hearing on the local appeals be postponed until after the review of the State valuations.

Mr. Bain stated that Albert C. Wall, for the Pennsylvania Railroad System, joined in this request. This communication was ordered received and filed. Representing the New York Central Railroad System, Mr. Robert M. Clark concurred in the request that the hearings in the local appeals be adjourned, and requested that the appeal of the New York Central Railroad System be fixed for hearing not earlier than January third, as he would be out of the country.

Mr. A. S. Condit, of the New Jersey Central Railroad System, requested for Mr. Bain that the hearings involving appeals in which Mr. Bain is interested be fixed for not earlier than December fifteenth, Mr. E. T. Lukens, for the Delaware, Lackawanna & Western Railroad System, made the same request.

Meeting of November 29, 1921.

The Secretary laid before the Board the report of the Chief Engineer in connection with the appeals filed against the assessment of first and second class railroad property by the following companies:

Pennsylvania Railroad System,
Central Railroad of New Jersey System,
Erie Railroad System,
Delaware, Lackawanna & Western Railroad System,
New York, Susquehanna & Western Railroad System,
Lehigh Valley Railroad System,
New York Central Railroad System.

Mr. Focht's report specified those appeals that would have to be heard at length, and those in which there are errors that can be taken up and adjusted by the Chief Engineer. The report was received and ordered filed.

It was further directed that Tuesday, December twenty-seventh, at eleven o'clock, at the State House, Trenton, be fixed as the time and place for beginning the hearing in the following appeals, the hearing to be continued daily, or at the pleasure of the Board:

Pennsylvania Railroad System,
Central Railroad of New Jersey System,
Erie Railroad System,
Delaware, Lackawanna & Western Railroad System,
New York, Susquehanna & Western Railroad System,
Lehigh Valley Railroad System,

The appeal of the New York Central Railroad System was listed for hearing at the State House, Trenton, at eleven o'clock, on Tuesday, January 3, 1922.

Meeting of December 27, 1921.

The Secretary brought to the Board's attention telephone calls received by him from Albert C. Wall, representing the Pennsylvania Railroad System, and Robert J. Bain, representing the Central Railroad Company of New Jersey, the Erie Railroad System, the Lehigh Valley Railroad System and the New York, Susquehanna & Western Railroad System. Counsel stated that the Companies represented by them, and also the other companies whose appeals were set down for this date, found it impossible to go on because of their failure to complete preparations. They requested that an adjournment be allowed to Wednesday, January fourth, at 10:30 A. M., at the State House, Trenton. Upon motion the adjournment was allowed.

Meeting of January 3, 1922.

The Secretary laid before the Board an order of Attorney General Thomas F. McCran, deputizing Edward P. Stout of Jersey City as Deputy Attorney General, to attend the meetings of the Board held for the review of its assessments on railroad property for the taxes of 1922. The deputation was ordered filed.

Meeting of January 4, 1922.

The following calendar of appeals was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.

4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.

These cases were heard jointly, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System, Mr. Robert J. Bain for the Central Railroad of New Jersey System, Erie Railroad System, New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General, having been designated by him as Deputy Attorney General.

The Board heard the testimony of Robert Huntley for the petitioners. Further hearing was continued to the following day at the State House.

Meeting of January 5, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.

Hearing of these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System, Mr. Robert J. Bain for the Central Railroad of New Jersey System, the Erie Railroad System,

the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout for the Attorney General.

The Board heard the testimony of Floyd S. Corbin for the petitioners. Further hearing was continued to Monday, January 9, 1922, at the State House, Trenton.

7. New York Central Railroad System.

Case partly heard, Mr. Robert M. Clark and Mr. Albert C. Wall appearing for the petitioner and Mr. Edward P. Stout for the Attorney General. The Board heard the testimony of Floyd S. Corbin for the petitioner and continued further hearing to Monday, January 9, 1922, at the State House, Trenton.

Meeting of January 9, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System and the New York Central Railroad System, Mr. Robert J. Bain for the Central Railroad of New Jersey System, Erie Railroad System, New York,

Susquehanna & Western Railroad System and Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General.

The Board heard the testimony of Robert Huntley for the petitioners and continued further hearing to the following day at the State House, Trenton.

Meeting of January 10, 1922.

The following calendar of appeals of railroads from the assessment of 1922 on first and second class property was called for hearing:

1. Pennsylvania Railroad System.
2. Central Railroad Company of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Robert J. Bain appearing for the Central Railroad Company of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System and Mr. Robert M. Clark for the New York Central Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The Board heard testimony of Robert Huntley and Thomas

A. Ryer for the petitioners. Further hearing was continued to Thursday, January twelfth, at the State House, Trenton.

Meeting of January 12, 1922.

The following calendar of appeals of railroads from the assessment of 1922 on First and Second Class property was called for hearing:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Robert J. Bain appearing for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System and Mr. Robert M. Clark for the New York Central Railroad System. Mr. Edward P. Stout appeared for the Attorney General.

The Board continued hearing the testimony of Thomas A. Ryer for the petitioner. Further hearing was continued to the following day at the State House, Trenton.

Meeting of January 13, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System and the New York Central Railroad System, Mr. Robert J. Bain for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Robert M. Clark was also present in behalf of the New York Central Railroad System. Mr. Edward P. Stout appeared for the Attorney General.

The Board heard the testimony of Thomas A. Ryer for the petitioners and continued the hearing to Tuesday, January 24, at Trenton, at 11 A. M.

Meeting of January 24, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.

4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System, Mr. Robert J. Bain for the Central Railroad Company of New Jersey System, the Erie Railroad System, the New York, Susquehanna and Western Railroad System and the Lehigh Valley Railroad System, Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System, and Mr. Robert M. Clark for the New York Central Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The Board heard testimony of Thomas A. Ryer and Charles W. Morrison for the petitioners. Further hearing was continued to the following day at the State House, Trenton.

Meeting of January 25, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad

System and the New York Central Railroad System; Mr. Robert J. Bain for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System, and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The Board heard the testimony of Charles W. Morrison for the petitioners, and continued further hearing to the following day at Trenton.

Meeting of January 26, 1922.

The following calendar of appeals on First and Second Class Railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System and the New York Central Railroad System; Mr. Robert J. Bain for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The testimony of Charles

W. Morrison, Arthur S. Condit, Arthur Bayfield and William H. Rhoads was heard for the petitioners. Further hearing was continued to Thursday, February 2, 1922, at the Court House, Jersey City, at 9:30 A. M.

Meeting of February 2, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Mr. Robert J. Bain was present representing the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman appeared for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. Mr. Stout represented to the Board that his witnesses were ill, and that it would not be possible for him to proceed. The Board allowed an adjournment to Tuesday, February 7, at 12 M., at the State House, Trenton.

Meeting of February 7, 1922.

The Board fixed Monday, February 20, at 10:30 A. M., at the State House, Trenton, for the continuation of hearing in the matter of appeals of railroads

from the assessment of First and Second Class property.

Meeting of February 21, 1922.

The Board approved the action of the Secretary in allowing an adjournment to Thursday, February 23, at the State House, Trenton, of the appeals of railroad companies from assessments on First and Second Class property, which appeals had been listed for Monday, February 20, at Trenton.

Meeting of February 23, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Mr. Robert J. Bain was present representing the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System, and the Lehigh Valley Railroad System, and Mr. M. M. Stallman appeared for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The testimony of Frederick Dunham was heard for the State, and further hearing was continued to the following day at Jersey City.

Meeting of February 24, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System and the New York Central Railroad System, Mr. Robert J. Bain for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The Board heard the testimony of Frederick Dunham for the State, and Charles Singer, Jr., qualified as a witness for the State. Further hearing was continued to Monday, February 27, at the Court House, Jersey City.

Meeting of February 27, 1922.

The following calendar of appeals on First and Second Class Railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.

4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Albert C. Wall appearing for the Pennsylvania Railroad System and the New York Central Railroad System; Mr. Robert J. Bain for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The Board heard the testimony of Thomas P. Graham for the State. Further hearing was continued to the following day at Trenton, at 1 P. M.

Meeting of February 28, 1922.

The following calendar of appeals of railroads from the assessment of first and second class property for the year 1922 was called for hearing:

1. Pennsylvania Railroad System.
2. Central Railroad Company of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Robert J. Bain appearing for the Central Railroad Company of New Jersey System, the Erie Railroad System, the New York, Susquehanna and Western Railroad System. Mr. Edward P. Stout appeared for the Attorney-General. The Board heard testimony of Thomas Graham for the petitioners. Further hearing was continued to the following day at the State House, Trenton.

Meeting of March 1, 1922.

The following calendar of appeals on First and Second Class Railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Hearing in these cases was continued, Mr. Robert J. Bain appearing for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. The Board heard the testimony of Charles Singer, Jr., for the State, and continued further hearing to Wednesday, March 8, at the State House, Trenton, at 10:30 A. M.

Meeting of March 8, 1922.

The following calendar of appeals on First and Second Class railroad property was called:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Cases called, Mr. Robert J. Bain appearing for the Central Railroad of New Jersey System, the Erie Railroad System, the New York, Susquehanna & Western Railroad System and the Lehigh Valley Railroad System, and Mr. M. M. Stallman for the Delaware, Lackawanna & Western Railroad System. Mr. Edward P. Stout appeared for the Attorney General. Mr. Bain represented to the Board that he was actually engaged before the Court of Errors and Appeals, and would not be able to proceed with the railroad cases this day. The Board allowed an adjournment to Wednesday, March 29, 1922, at 10:30 A. M., at the State House, Trenton.

Meeting of March 28, 1922.

The Board approved the action of the Secretary in allowing an adjournment of hearing in the matter of First and Second Class railroad appeals listed for the State House, Trenton, on Wednesday, March twenty-ninth. Mr. Edward P. Stout, Deputy Attorney General, in a communication to the Board, stated that Mr. Frederick Dunham, one of the State's ex-

perts, was very ill, and a new date will be fixed later.

Meeting of May 2, 1922.

The Board approved the action of the Secretary in fixing Tuesday, May 9, at 11 o'clock, at the State House, Trenton, for the continuation of the hearing in the appeals of railroad companies from the assessment of First and Second Class railroad property.

Meeting of May 9, 1922.

The following calendar of appeals of railroads from the assessment of 1922 on First and Second Class property was called for hearing:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Mr. Robert J. Bain and Mr. M. M. Stallman appeared for the railroad companies. Mr. Bain, speaking for the petitioners, said that they were not ready to proceed, and requested an adjournment of one week. He represented that this would be satisfactory to all parties concerned, and that he would take the responsibility of notifying Mr. Stout, Deputy Attorney General. The Board allowed the adjournment to Tuesday, May 16, at 10:30 A. M., advanced time, at the State House, Trenton.

Meeting of May 16, 1922.

The following calendar of appeals of railroads from the assessment of 1922 on first and second class property was called for hearing:

1. Pennsylvania Railroad System.
2. Central Railroad Company of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

Mr. Albert C. Wall, Mr. Robert J. Bain and Mr. Robert M. Clarke were present on behalf of the railroad companies and Mr. Edward P. Stout represented the Attorney General. The Board heard testimony of Delos Cooke and Robert M. Clarke for the petitioners. Because of the illness of Mr. M. M. Stallman, counsel for the Delaware, Lackawanna & Western Railroad Company, the Board allowed him two weeks in which to submit a memorandum on the testimony. This hearing definitely closed the hearings in appeals from assessments on first and second class railroad property.

Meeting of May 23, 1922.

Chief Engineer Focht submitted a detailed schedule showing the adjustments in connection with the assessment of first and second class railroad property for 1922, as ordered by the Board up to this time, the schedule showed a total of $1,535,020 to be deducted from the original assessment of $415,773,910.

These adjustments and corrections were agreed upon between the railroads and the Chief Engineer.

Upon motion of Mr. Jess, seconded by Mr. Mutchler, the schedule showing the adjustments was approved.

The Secretary submitted the complete assessment and computation of the tax on first and second class railroad property for 1922. The certifications of the valuations and tax were signed by the members.

The consideration of appeals on the part of the various railroad systems from the assessment of 1921 for the taxes of 1922 was fixed as the special order of business for Tuesday, June sixth.

Meeting of June 6th, 1922.

As the special order of business, the Board took up for consideration the disposition of the appeals (main stem and second class railroad property) filed by the following railroad companies:

1. Pennsylvania Railroad System.
2. Central Railroad Company of New Jersey System.
3. New York, Susquehanna & Western Railroad System.
4. Lehigh Valley Railroad System.
5. Delaware, Lackawanna & Western Railroad System.
6. Erie Railroad System.
7. New York Central Railroad System.

Dr. Barber presented the following motion:

"That the appeals filed from the assessments for First and Second Class railroad property for the taxes of 1922 be dismissed and that the assessments be sus-

tained, subject to the adjustments set forth in the schedule approved at the meeting of May twenty-third."

The motion was seconded by Mr. Margerum.

Mr. Jess moved "that the assessments be reduced to the amounts shown in red upon the schedule which he submitted, and which was marked by the Secretary 'Mr. Jess' proposal, June 6, 1922."

This motion was seconded by Mr. Mutchler.

The vote on the amendment to the original motion was as follows:

Aye: Jess, Mutchler.

No: Baker, Barber, Margerum.

The President declared the amendment to the original motion lost.

The vote on the original motion was as follows:

Aye: Baker, Barber, Margerum.

No: Jess, Mutchler.

The President declared the original motion adopted.

The Board therefore ordered that the original assessments be affirmed, subject to the corrections and adjustments set forth in the schedule approved at the meeting of May twenty-third.

Meeting of June 19, 1922.

Appeals, supplementing the original appeals filed as of the third Monday in November, 1921 (under Chapter 284 of the Laws of 1918), were filed by the following companies:

1. Pennsylvania Railroad Company, Lessee.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.

5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

The following appearances were entered:

Francis H. McGee, Assistant Attorney General, for the State. Robert J. Bain for the Lehigh Valley Railroad System, the Erie Railroad System, the New York, Susquehanna and Western Railroad System, and the Central Railroad Company of New Jersey. Mr. Robert M. Clark for the New York Central Railroad System, the West Shore Railroad Company and the New York and Fort Lee Railroad Company. Mr. A. R. Smiley for the Pennsylvania Railroad Company, Lessee. In explaining what the railroads thought was the necessity for appealing as of this date and filing supplemental complaints, Mr. Bain stated that Chapter 4 of the Laws of 1922 was intended for two purposes: First, to extend the time for completing the review of valuations for the year 1922, and second, to overcome the difficulty created by Chapter 138 of the Laws of 1921, which compelled the review of assessments before the taxes were determined. He held that counsel for the various railroads were of the belief that the filing of appeals as of this date was necessary in pursuance of the provision of Chapter 4, Laws of 1922, which permitted the railroads to complain after the taxes were finally determined. The railroads were following out the statutory requirements, Mr. Bain explained, in order to avoid any possibility of error.

Meeting of July 18, 1922.

The Board took up, as the special order of business, the supplemental appeals (main stem and second class railroad property), filed under the provisions of Chapter 4, Laws of 1922, by the following railroad companies:

1. Pennsylvania Railroad System.
2. Central Railroad of New Jersey System.
3. Erie Railroad System.
4. New York, Susquehanna & Western Railroad System.
5. Lehigh Valley Railroad System.
6. Delaware, Lackawanna & Western Railroad System.
7. New York Central Railroad System.

The following motion was presented by Mr. Margerum, seconded by Dr. Barber:

"That the supplemental appeals filed from the assessments of first and second class railroad property for the taxes of 1922 be dismissed."

The vote was as follows:

Aye: Baker, Barber, Margerum.

No: Jess, Mutchler.

The President declared the appeals dismissed and the assessments sustained.

Exhibit F.

MR. JESS' PROPOSAL, JUNE 6, 1922.

ITEMS UNDER APPEAL—1922 ASSESSMENT

MAIN STEM AND SECOND CLASS

June 1, 1922. (1)

LEHIGH VALLEY RAILROAD SYSTEM

Main Line or Branch	Taxing District	Class of Property	Description	1921 Assessment Area Acres	1921 Assessment Rate Acre	1921 Assessment Amount	1922 Assessment under Appeal Area Acres	1922 Assessment under Appeal Rate Acre	1922 Assessment under Appeal Amount	Area Acres	Rate Acre	Amount
Main Line	Jersey City	Main Stem	Bayonne City Line to M. Canal, Ave. C	1.476	$10,000	$14,760	1.476	$10,000	$14,760		$10,000	$14,760
"	"	"	Avenue C. to Avenue D.	1.602	10,000	16,020	1.602	10,000	16,020		10,000	16,020
"	"	"	Brown Place to Linden Lane	2.911	12,000	34,932	2.911	12,000	34,932		12,000	34,932
"	"	"	Linden Lane to Chapel Avenue	4.444	14,000	62,216	4.444	14,000	62,216		14,000	62,216
"	"	"	Chapel Avenue to Morris Canal	4.614	12,000	55,368	4.614	12,000	55,368		12,000	55,368
"	"	"	Morris Canal to C. R. R. of N. J.	1.508	12,000	18,096	1.453	12,000	17,436		12,000	17,436
"	"	"	C. R. R. of N. J. to Caven Point Road	3.230	13,000	41,990	3.130	13,000	40,690		13,000	40,690
"	"	"	Caven Point Road to C. R. R. "Y"	5.769	13,000	74,998	5.769	13,000	74,998		13,000	74,998
"	"	"	C. R. R. of N. J. to N. & N. Y. Br.	0.826	13,000	10,738	0.826	13,000	10,738		13,000	10,738
"	"	"	N. & N. Y. Br. to Communipaw Ave.	0.971	24,000	23,304	0.971	24,000	23,304		24,000	23,304
"	"	"	Communipaw Ave. to Johnson Ave.	3.352	20,000	67,040	3.352	20,000	67,040		20,000	67,040
"	"	"	Johnson Ave. to Jersey Ave.	1.607	24,000	38,560	1.607	24,000	38,560		24,000	38,560
"	"	"	Jersey Avenue to 160' W. of Van Vorst St.	5.941	28,000	166,348	5.941	40,000	237,640		30,000	178,230
"	"	"	160' W. of Van Vorst St. to Washington St.	2.433	54,000	131,382	2.433	55,000	133,815		55,000	133,815
"	"	"	Washington St. to Ext. line S. Fill	2.835	54,000	153,090	2.835	65,000	184,275		60,500	171,518
"	"	Second Class	Excess N. of Main Stem, E. Chapel Ave.	7.903	10,000	79,030	7.903	10,000	79,030		10,000	79,030
"	"	"	" between C. R. R. & Nat'l Docks Ry.	0.280	10,000	2,800	0.280	10,000	2,800		10,000	2,800
"	"	"	" east and west of Main Stem	0.850	10,000	8,500	0.850	10,000	8,500		10,000	8,500
"	"	"	" " " " " "	0.790	10,000	7,900	0.790	10,000	7,900		10,000	7,900
"	"	"	S. of Main Stem, Jersey Ave. to National Docks.	3.497	14,400	50,357	3.497	20,000	69,940		16,000	55,952
"	"	"	S. of M. S. Morris Canal from center line of Jersey Ave.	13,650	14,400	196,560	13.650	15,000	204.750		15,840	216,216
"	"	"	160' W. of Van Vorst St. to center line of Jersey Ave.	25.673	20.500	526.296	25.673	40.000	1.026.920		30,000	770,190
"	"	"	160 W. of Van Vorst St. to center line of Washington St.	10.100	55,000	555,500	10.100	55.000	555.500		55,000	555,500
"	"	"	Terminal Tract	38.380	55,000	2,110,900	38.380	65.000	2,494.700		60,500	2,321,990
"	Bayonne	Main Stem	Newark Bay to Hudson Boulevard	1.056	10,000	10,560	1.056	10.000	10.560		10,000	10,560
"	"	"	Hudson Boulevard to Jersey City Line	1.070	10,000	10,700	1.070	10.000	10.700		10,000	10,700
Edgewater Br.	Jersey City	"	M. L. to center line Mill Creek	4.362	24,000	104,688	4.362	24.000	104.688		24,000	104,688
"	"	"	Van Vorst St. to Warren St.	0.518	42,533	22,032	0.518	42.533	22.032		43,533	22,032
Nat'l Docks Br.	"	"	Montgomery to Grand St.	3.753	24,000	90,072	3.753	24.000	90 072		24,000	90,072
"	"	"	Grand St. to Pacific Ave.	1.264	32,000	40,448	1.264	32.000	40.448		32,000	40,448
"	"	"	Width variable	0.019	26,000	494	0.019	26.000	494		26,000	494
"	"	"	Morris Canal to Johnson Ave.	3.826	26,000	99,476	3.826	26.000	99.476		26,000	99,476
"	"	"	Width variable	0.087	20,000	1,740	0.087	20.000	1.740		20,000	1,740
"	"	"	M. L. L. V. R. R. to C. R. R.	0.766	20.000	15,320	0.766	20.000	15,320		20,000	15,320
"	"	"	C. R. R. to Communipaw Ave.	0.619	20.000	12,380	0.619	20.000	12.380		20,000	12,380
"	"	"	Communipaw Ave. to Phillips St. Br.	6.905	13.000	89.765	6.905	13.000	89.766		13,000	89,766
"	"	"	Phillip St. Br. to Caven Pt. Rd.	1.164	13.000	15,132	1.164	13.000	15.132		13,000	15,132
"	"	"	Caven Pt. Rd. to Chapel Avenue	11.209	12.600	141.234	11.209	12.600	141.234		12,600	141,234
"	"	"	Chapel Ave. to Linden Ave.	4.506	12.000	54.072	4.506	12.000	54.072		12,000	54,072
"	"	"	Linden Ave. to Morris Canal	1.302	12.000	15.624	1.302	12.000	15.624		12,000	15.624
"	"	"	Morris Canal to Main Line	0.503	12.000	6.036	0.503	12.000	6.036		12,000	6,036
"	"	"	M. L. to Brown Place	0.195	12.000	2,340	0.195	12.000	2.340		12,000	2,340
"	"	Second Class	Claremont Yard	42.831	10.000	428.310	42.831	10.000	428.310		10,000	428.310
Nat'l Docks Br.	Bayonne	Main Stem	J. City line to Packard Ditch	16.414	$ 7.000	$114.898	16.414	$15.000	$246.210		$15,000	$246,210
"	"	"	Packard Ditch to Orford Copper Co.	13.638	8.000	109.104	12.000	20.000	259.980		20,000	259,980
"	"	"	Orford Copper Co. to end of line	1.106	15.000	16.590	1.106	20.000	22.120		20,000	22,120
Communipaw Br.	Jersey City	Second Class	Excess widths	0.303	4.800	1.454	0.303	15.000	4.545		15,000	4.545
"	"	Main Stem	50' limit to Nat'l Storage fence	4.401	13.000	57.214	4.401	13.000	57.214		13,000	57.214
Nat'l Stor. Br.	"	Second Class	Excess Communipaw Av. to Nat'l Storage Co.	3.035	10.000	30.350	3.035	20.000	60.700		11,000	33.385
"	"	Main Stem	"Y" width 100'	0.905	13.000	11.766	0.905	13.000	11.766		13,000	11.766
"	"	"	N. Docks Br. to Nat'l Stor. Co.	2.559	13.000	33.268	2.559	13.000	33.268		13,000	33.268
Bayonne Br. #2	Bayonne	Second Class	Excess in Terminal	88.365	14.500	1.281,292	88.365	20.000	1.767.300		15,950	1,409.421
"	"	Main Stem	M. L. to J. City line at Morris Canal	Not assessed in 1921			1.230	10,000	12,300		10,000	12.300
			Total, Lehigh Valley Railroad System.....			$7,263,045			$9,097,659			$8,208,336

Figures in bold type appear in red ink.

EXHIBIT F.—Sheet 2

ITEMS UNDER APPEAL—1922 ASSESSMENT

MAIN STEM AND SECOND CLASS

June 1, 1922.

Main Line or Branch	Taxing District	Class of Property	Description	1921 Assessment Area Acres	1921 Assessment Rate Acre	1921 Assessment Amount	1922 Assessment under Appeal Area Acres	1922 Assessment under Appeal Rate Acre	1922 Assessment under Appeal Amount	1922 Assessment under Appeal Area Acres	1922 Assessment under Appeal Rate Acre	1922 Assessment under Appeal Amount
PENNSYLVANIA RAILROAD SYSTEM												
N. Y. Bay-M. L.	Jersey City	Second Class	Terminal Tract	(97,200	3,850	376,045						
"	"	"	"	208,200	4,500	3,026,150						
"	"	"	"	(31,420	4,500	455,590						
"	"	"	"	(7,600	3,850	29,260						
"	"	Main Stem		345,420	1,253	3,887,145	343.137	20,000	6,862,740	12,378		4,247,350
U. N. J.-M. L.	"	Second Class	In Terminal Tract	12,731	3,200	168,049	12.731	20,000	254,620	15,950		203,059
"	"	"	Terminal Tract	30,564	9,800	2,439,007	30.564	95,000	2,903,580	87,780		2,682,908
"	"	Main Stem	240' on Bulkhead	3,623	1,130	293,946	3.623	95,000	344,185	87,780		318,027
"	Hoboken	Second Class	In Terminal Tract	2,932	6,000	281,472	2.932	96,000	281,472	87,780		257,371
U. N. J. Harsimus Br.	Jersey City	"	Marine Shops, Castle Point	8,249	9,000	486,691	8.249	60,000	494,940	60,000		494,940
"	"	Main Stem	Terminal Tract	98,835	3,700	6,295,789	98.835	88,100	8,707,363	70,070		6,925,368
			In Terminal Tract	6,682	7,570	384,685	6.682	88,100	588,684	70,070		468,208
			Total, Pennsylvania Railroad System			$14,236,784			$20,437,584			$15,597,231
CENTRAL RAILROAD OF NEW JERSEY SYSTEM												
Main Line	Jersey City	Main Stem										
"	"	"	Solid fill line to 160' west of Van Vorst St.	5,464	5,000	$300,520	5.464	$65,000	$355,160	$60,500		$330,572
"	"	2nd Class	160' W. of Van Vorst St. to Jersey Ave.	6,302	7,600	173,936	6.302	40,000	252,080	30,360		191,329
"	"	"	Terminal Tract	97,063	5,000	5,338,465	97.063	65,000	6,309,095	60,500		5,872,312
"	"	"	Bl. 2145 - 48-D	71,300	0,000	1,426,000	71.300	40,000	2,852,000	22,000		1,568,600
"	"	"	" 2154 - 22-G	84,724	4,500	1,228,498	84.724	30,000	2,541,720	15,950		1,351,348
"	"	"	Pier 18, part 22-J	99,100	4,500	1,436,950	96.049	25,000	2,401,225	17,500		1,734,250
"	"	"	So. of M. S. Van Vorst St. to Jersey Ave.	28,718	0,000	574,360	28.718	40,000	1,148,720	22,000		631,796
"	"	"	No. of M. S. " " St. to Jersey Ave.	24,613	0,000	492,260	24.613	40,000	984,520	22,000		541,486
"	"	"	Bl. 2048, Plot H	3,120	4,400	44,928	3.120	20,000	62,400	16,000		49,920
"	"	"	" " " S	19,611	3,600	267,010	19.611	20,000	392,220	14,960		293,381
"	Bayonne	Main Stem	" 2154, " 22-D	5,610	3,200	74,052	5.610	20,000	112,200	14,520		81,457
"	"	"	Morris Canal to Center St.	3,624	8,000	28,992	3.624	15,000	54,360	15,000		54,360
"	"	"	Center St. to E. 32nd St.	8,898	10,000	88,980	8.898	16,000	142,368	16,000		142,368
"	"	"	32nd St. to 30th St.	1,889	16,000	30,224	1.889	16,000	30,224	16,000		30,224
"	"	"	30th St. to 22nd St.	5,841	10,000	58,410	5.841	16,000	93,456	16,000		93,456
"	"	"	21st St. to Linnet St.	7,514	8,000	60,112	7.514	16,000	120,224	16,000		120,224
"	"	"	Linnet St. to Ave. D.	0,851	10,000	8,510	0.851	16,000	13,616	16,000		13,616
Jersey Ave. Br.	Jersey City	2nd Class	Ave. C to Hudson Co. Boulevard	2,495	12,000	29,940	2.495	15,000	37,425	15,000		37,425
Constable Hook Br.	Bayonne	Main Stem	Bl. 2145, lots 25-A & 25-D	3,986	12,000	47,832	3.986	20,000	79,720	13,200		52,615
"	"	"	Beginning to highway	7,504	13,000	97,552	7.504	20,000	150,080	20,000		150,080
Port Johnson Spur	"	"	Highway to end	4,580	13,000	59,540	4.580	20,000	91,600	20,000		91,600
"	"	2nd Class	2000' back of P. H. Line to Pier Head Line	4,028	8,400	33,835	4.028	30,000	120,840	30,000		120,840
			2000' back of P. H. Line to Pier Head Line	19,342	8,400	162,473	19.342	30,000	580,260	30,000		580,260
			Total, C. R. R. of N. J. System			$12,053,935			$18,925,513			$14,133,519
D. L. & W. R. R. SYSTEM												
Main Line	Jersey City	2nd Class										
"	Hoboken	"	Terminal Tract	131,840	64,000	8,437,760	131.840	95,000	12,524,800	70,400		9,281,536
"	"	"	" " "	40,068	66,730	2,673,737	40.068	96,000	3,846,528	73,403		2,941,111
"	"	"	Lower Ferry Tract	10,315	92,125	950,273	10.315	96,000	990,240	96,000		990,240
D. L. & W. R. R. Lessee	"	"	Upper " "	1,525	53,544	81,655	1.525	75,000	114,375	60,000		91,500
"	"	"	Manor Tract foot 11th St.	7,621	59,650	454,592	7.621	65,000	495,365	65,615		500,052
Main Line	Jersey City	Main Stem	Ocean S. S. Tract foot 11th St.	16,136	59,650	962,512	16.136	68,800	1,110,157	65,615		1,058,764
"	Hoboken	"	Main Stem in Terminal Tract	3,240	78,000	252,720	3.240	95,000	307,800	70,400		228,096
			" " " " "	3,728	78,000	290,784	3.728	96,000	357,888	73,403		273,646
			Total, D. L. & W. R. R. System			$14,104,033			$19,747,153			$15,364,945

Figures in bold type appear in red ink.

EXHIBIT F.—Sheet 3.

ITEMS UNDER APPEAL—1922 ASSESSMENT

MAIN STEM AND SECOND CLASS

ERIE RAILROAD SYSTEM

Main Line or Branch	Taxing District	Class of Property	Description	1921 Assessment Area Acres	1921 Assessment Rate Acre	1921 Assessment Amount	1922 Assessment under Appeal Area Acres	1922 Assessment under Appeal Rate Acre	1922 Assessment under Appeal Amount	June 1, 1922. Area Acres	June 1, 1922. Rate Acre	June 1, 1922. Amount
Newark & Hudson-M. L.	Town of Kearny	Main Stem	Belleville Pike to Hackensack River	13.700	$1,000	$13,700	13.700	$2,000	$27,400		**$2,000**	**$27,400**
N. & Hudson-Branch A	"	"	Beginning to Arlington R. R.	1.102	1,200	1,322	1.102	2,000	2,204		**2,000**	**2,204**
"	"	"	Arlington R. R. to end	28.751	1,200	34,502	28.751	2,000	57,502		**2,000**	**57,502**
"	"	Second Class	S. of M. S. at Junc. N. Y. & G. L. Ry.	0.745	720	536	0.745	2,000	1,490		**2,000**	**1,490**
"	"	"	" " " West Arlington R. R.	0.367	720	264	0.367	2,000	734		**2,000**	**734**
"	"	"	" " " Arlington R. R. to Belleville Pike	3.627	720	2,611	3.627	2,000	7,254		**2,000**	**7,254**
"	"	"	North of M. S. Arlington R. R. to Belleville Pike	3.328	720	2,396	3.328	2,000	6,656		**2,000**	**6,656**
"	"	"	S. of M. S. west of Belleville Pike	1.699	720	1,223	1.699	2,000	3,398		**2,000**	**3,398**
"	"	"	N. " " " " "	0.688	720	496	0.688	2,000	1,376		**2,000**	**1,376**
"	"	"	S. " " Belleville Pike to Bergen Avenue	4.803	720	3,458	4.803	2,000	9,606		**2,000**	**9,606**
"	"	"	N. of M. S. Belleville Pike to Bergen Avenue	4.803	720	3,458	4.803	2,000	9,606		**2,000**	**9,606**
"	"	"	N. of M. S. Bergen to Sanford Ave.	1.124	720	809	1.124	2,000	2,248		**2,000**	**2,248**
"	"	"	S. " " Bergen Ave. to N. & H. R. R.	3.305	720	2,380	3.305	2,000	6,610		**2,000**	**6,610**
N. Y. & G. L. Ry-M. L.	"	Main Stem	Hackensack River to Belleville Pike	15.776	1,200	18,932	15.776	2,000	31,552		**2,000**	**31,552**
"	"	"	Belleville Pike to Forest Avenue	14.643	1,200	17,572	14.643	2,000	29,286		**2,000**	**29,286**
"	"	Second Class	N. of M. S. Hackensack River to Belleville Pike	4.950	720	3,564	4.950	2,000	9,900		**2,000**	**9,900**
"	"	"	S. of M. S. Hackensack River to Belleville Pike	5.046	720	3,634	5.046	2,000	10,092		**2,000**	**10,092**
"	"	"	N. of M. S. west of Belleville Pike	0.537	720	386	0.537	2,000	1,074		**2,000**	**1,074**
"	"	"	S. " " " " "	1.383	720	996	1.383	2,000	2,766		**2,000**	**2,766**
Arlington R. R.	"	"	N. " " east of Schuyler Ave.	0.489	2,400	1,174	0.489	2,400	1,174		**2,400**	**1,174**
Long Dock Co.	Jersey City	Main Stem	M. S. in Kearny	3.790	1,200	4,548	3.790	2,000	7,580		**2,000**	**7,580**
"	"	"	Solid fill line to Henderson St.	6.257	84,000	525,598	6.257	90,000	563,130		**90,000**	**563,130**
"	"	"	Grove St. to Henderson St.	0.924	108,000	99,792	0.924	108,000	99,792		**108,000**	**99,792**
"	"	Second Class	Terminal Tract, south Pavonia Ave.	16.555	66,353	1,098,480	16.555	87,000	1,440,285		**72,988**	**1,208,316**
"	"	"	" " north " "	67.830	64,160	4,351,973	67.830	90,000	6,104,700		**70,576**	**4,787,170**
"	"	"	130′ on bulkhead	2.816	60,000	168,960	2.816	90,000	253,440		**66,000**	**185,856**
"	"	"	140′ " "	3.164	60,000	189,840	3.164	90,000	284,760		**66,000**	**208,824**
Total for Erie Railroad System						$6,552,604			$8,975,615			**$7,282,596**

NEW YORK CENTRAL RAILROAD SYSTEM

West Shore-Main Line	Weehawken Twp.	2nd Class	Southerly Terminal Tract	20.795	$45,000	$935,775	20.795	$45,000	$935,775		**$45,000**	**$935,775**
"	"	"	Northerly " "	59.720	45,000	2,687,400	59.720	45,000	2,687,400		**45,000**	**2,687,400**
"	"	"	So. of Main Stem, west N. J. Junc.	0.370	10,000	3,700	0.370	10,000	3,700		**10,000**	**3,700**
"	"	"	East of West Shore Y	0.155	10,000	1,550	0.155	10,000	1,550		**10,000**	**1,550**
"	"	"	North " " " "	1.258	10,000	12,580	1.258	10,000	12,580		**10,000**	**12,580**
"	"	"	East end tunnel	3.680	6,390	23,512	3.680	6,390	23,512		**6,390**	**23,512**
"	West New York	"	Terminal Tract	114.281	45,000	5,142,645	114.281	45,000	5,142,645		**45,000**	**5,142,645**
"	"	"	Excess at foot bluff	9.740	10,000	97,400	9.740	10,000	97,400		**10,000**	**97,400**
"	"	"	Excess in connec. N. Y., O. & W. R. R.	2.224	10,000	22,240	2.224	10,000	22,240		**10,000**	**22,240**
"	"	"	Excess bet. N. Y. & F. L. & N. Y., O. & W. R. R.	2.159	10,000	21,590	2.159	10,000	21,590		**10,000**	**21,590**
"	"	"	Ext. line solid fill to West N. Y. Line	5.900	40,000	236,000	5.900	40,000	236,000		**40,000**	**236,000**
"	Weehawken Twp.	Main Stem	"Y" at Tunnel	1.951	40,000	78,040	1.951	40,000	78,040		**40,000**	**78,040**
"	"	"	East Portal Tunnel to Bulls Ferry Road	0.520	40,000	20,800	0.520	40,000	20,800		**40,000**	**20,800**
"	West New York	"	Main stem in W. New York	2.755	40,000	110,200	2.755	40,000	110,200		**40,000**	**110,200**
N. Y. & Fort Lee	Weehawken Twp.	"	" " " Weehawken	2.502	40,000	100,080	2.502	40,000	100,080		**40,000**	**100,080**
"	West New York	"	" " " West New York	9.970	40,000	398,800	9.970	40,000	398,800		**40,000**	**398,800**
N. J. Junction	Weehawken Twp.	"	Junc. N. Y. & F. L. R. R. to Clifton Road	3.232	40,000	129,280	3.232	40,000	129,280		**40,000**	**129,280**
"	"	"	Clifton Rd. to grade crossing	7.330	10,000	73,300	7.330	10,000	73,300		**10,000**	**73,300**
"	"	"	Grade Crossing to Park Ave.	5.933	39,758	235,890	5.933	39,758	235,890		**39,758**	**235,890**
"	"	"	Park Ave. to Willow Ave.	0.436	30,000	13,080	0.436	30,000	13,080		**30,000**	**13,080**
"	"	"	West Shore Ter. to Guttenburg Line	0.243	40,000	9,720	0.243	40,000	9,720		**40,000**	**9,720**
"	West New York	"	Main Stem in Guttenburg	0.670	40,000	26,800	0.670	40,000	26,800		**40,000**	**26,800**
"	Guttenberg	"	" " " N. Bergen Twp.	5.200	40,000	208,000	5.200	40,000	208,000		**40,000**	**208,000**
	N. Bergen Twp.	"										
			Total, N. Y. C. R. R. System			$10,588,382			$10,588,382			**$10,588,382**

SUMMARY

	1921 Assessment		Proposed		1922 Under Appeal	
L. V. R. R. System	$ 7,263,045		$8,208,336		$9,097,659	
Penna. "	14,236,784		15,597,231		20,437,584	
C. R. R. "	12,053,925		14,133,519		18,925,513	
D. L. & W. "	14,104,033		15,364,945		19,747,153	
Erie R. R. "	6,552,604		7,282,596		8,975,615	
N. Y. C. R. R. "	10,588,382		10,588,382		10,588,382	
Grand Total	$64,798,773	Increase 9.84%	$71,175,009	Increase over 1921—35.45%	$87,771,906	

Figures in bold type appear in red ink.

Exhibit G.

FINAL DETERMINATION.

July 25, 1922.

To the Hon. N. A. K. Bugbee,

Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Pennsylvania Railroad System for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922, the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of Comptroller.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the Command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed Schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for Taxes against the United New Jersey Railroad & Canal Company for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment, hereby certify and report to you the following statement of assessed valuations of the United New Jersey Railroad & Canal Company pursuant to the provisions of said act and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the United New Jersey Railroad & Canal Company.

For Main Stem	27,086,003.00	
	$27,126,601.00	
For Franchise	5,483,000.00	32,569,003.00
	5,589,000.00	*$32,715,601.00*
For tangible personal property necessary for and used in State Commerce.....	.....	.....

Total assessable for State uses	*$32,715,601.00*
	32,569,003.00
For real estate used for railroad purposes, other than main stem	*26,797,786.00*
	26,668,177.00
Aggregate assessed valuation	*$59,513,387.00*
	59,237,180.00
Tax for State uses, at average tax rate of $3.561 per $100 valuation	1,159,782.20
	$1,165,002.55
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem at local rates	915,449.83
	920,080.47
Total Tax	*$2,085,083.02*
	2,075,232.03

(Figures in Italics were erased.)

Revised Return July 25, 1922.
Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Schedule of Assessments.

STATE OF NEW JERSEY.

State Board of Taxes and Assessment.

Schedule showing valuation of property of the United New Jersey Railroad & Canal Company, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

(Figures in bold face type were erased.)

County.	Taxing District	Value.	Local Tax.
	TRENTON TO JERSEY CITY		
		475,036.00	15,296.16
Mercer	Trenton City	**$509,026.00**	**$16,390.64**
	Hamilton Township	679,346.00	18,206.47
	Lawrence Township	2,279.00	61.53
	West Windsor Township	21,458.00	429.16
Middlesex	Plainsboro Township	52,191.00	1,383.06
	South Brunswick Township	17,253.00	465.83
	North Brunswick Township	1,203.00	33.92
		175,210.00	8,182.31
	New Brunswick City	**206,816.00**	**9,658.31**
	Highland Park Borough	8,797.00	409.94
	Raritan Township	14,410.00	680.15
	Metuchen Borough	25,863.00	1,086.25
	Woodbridge Township	10,367.00	503.22
Union	Rahway City	196,484.00	6,503.62
	Linden Township	70,707.00	1,279.80
	Linden Borough	35,760.00	894.00
		118,792.00	3,777.59
	Elizabeth City	**121,462.00**	**3,862.49**
Essex	Newark City	1,366,201.00	51,642.40
Hudson	Harrison, Town of	490,966.00	12,632.56
	Kearny, Town of	1,895,690.00	63,164.39
	Jersey City	6,096,047	210,191.70
	Hoboken City (Weehawken Addition.)	641,599.00	26,446.71
		12,395,659.00	423,270.77
	Total, Trenton to Jersey City, Main Line	**$12,463,925.00**	**$425,926.15**
	BRANCHES		
	BELVIDERE CONNECTION		
		36,060.00	1,161.13
Mercer	Trenton City	**$43,080.00**	**$1,387.18**

United New Jersey Railroad & Canal Co.

County.	Taxing District.	Value.	Local Tax.
	BORDENTOWN CONNECTION		
		163,087.00	5,251.40
Mercer	Trenton City	**$169,023.00**	**$5,442.54**
	MILLHAM BRANCH		
		180,398.00	5,808.82
Mercer	Trenton City	**$214,380.00**	**$6,903.04**
	Hamilton Township	4,750.00	127.30
		185,148.00	5,936.12
		$219,130.00	**$7,030.34**
	TRENTON TO JERSEY CITY (Forward)		
	PRINCETON BRANCH		
Mercer	West Windsor Township	$730.00	$14.60
	Princeton Township	90,606.00	1,658.09
	Princeton Borough	56,478.00	1,383.71
		$147,814.00	$3,056.40
	KINGSTON BRANCH		
Middlesex	South Brunswick Township	$481.00	$12.99
	MILLSTONE BRANCH		
Somerset	Franklin Township	$8,595.00	$233.78
	BONHAMTOWN BRANCH		
Middlesex	Raritan Township	$2,951.00	$139.29
	CENTER STREET BRANCH		
Hudson	Harrison, Town of	$102,947.00	$2,648.83
Essex	Newark City	235,340.00	8,895.85
		$338,287.00	$11,544.68
	MEADOWS BRANCH #1.		
Hudson	Kearny, Town of	$8,656.00	$288.42

County.	Taxing District.	Value.	Local Tax.
	HARSIMUS BRANCH		
Hudson	Jersey City	$10,013,095.00	$345,251.52
		23,299,833.00	796,146.50
	Total, Trenton to Jersey City, Main Line & Branches	**$23,415,037.00**	**$800,313.29**
	CAMDEN TO AMBOY & BRANCHES		
Camden	Camden City	$2,147,758.00	$60,137.22
	Pensauken Township	6,054.00	168.91
Burlington	Palmyra Township	10,114.00	480.42
	Riverton Borough	6,379.00	205.40
	Cinnaminson Township	215.00	7.68
	Delran Township	235.00	11.44
	Riverside Township	8,258.00	413.73
	Beverly Township	11,257.00	406.38
	Beverly City	1,760.00	91.34
	Burlington Township	1,979.00	60.36
	Burlington City	13,486.00	655.42
	Florence Township	11,968.00	481.11
	Mansfield Township	1,433.00	50.01
	Bordentown Township	5,339.00	94.50
	Fieldsboro Borough	1,377.00	72.43
	Bordentown City	9,773.00	408.51
Mercer	Hamilton Township	3,197.00	85.68
	Washington Township	4,737.00	89.06
	East Windsor Township	3,032.00	78.83
	Hightstown Borough	9,198.00	364.24
Middlesex	Cranbury Township	3,140.00	100.48
	Monroe Township	2,121.00	90.14
	Jamesburg Borough	11,554.00	551.13
	Helmetta Borough	2,285.00	47.30
	Spottswood Borough	4,190.00	137.85
	East Brunswick Township	2,915.00	83.37
	Madison Township	90,873.00	3,943.89
	Sayreville Borough	29,981.00	890.44
	South Amboy City	633,270.00	38,376.16
	Total Camden to Amboy, Main Line	$3,037,878.00	$108,583.43
	CAMDEN TO AMBOY & BRANCHES (forward)		
	BRANCHES		
	PETTIS ISLAND BRANCH		
Camden	Pensauken Township	$5,544.00	$154.68

County.	Taxing District.	Value.	Local Tax.
	BORDENTOWN BRANCH		
Burlington	Bordentown City	$2,105.00	$89.87
Mercer	Hamilton Township	3,892.00	104.31
		13,605	438.08
	Trenton City	**16,525.00**	**532.11**
		19,647.00	632.26
		$22,567.00	**$726.29**
	JAMESBURG BRANCH		
Middlesex	Monroe Township	$5,674.00	$241.15
	South Brunswick Township	2,657.00	71.74
		$8,331.00	$312.89
		$3,071,400.00	109,683.26
	Total, Camden to Amboy Main Line & Branches	**$3,074,320.00**	**$109,777.29**
	DELAWARE & RARITAN CANAL		
Mercer	Hamilton Township	$16,964.00	$454.64
		66,702.00	2,147.80
	Trenton City	**78,187.00**	**2,517.62**
	Lawrence Township	9,773.00	263.87
	West Windsor Township	2,845.00	56.90
	Princeton Township	2,553.00	46.72
Middlesex	Plainsboro Township	1,587.00	42.06
	South Brunswick Township	3,413.00	92.15
	New Brunswick City	22,929.00	1,070.78
Somerset	South Bound Brook Borough	5,365.00	199.58
	Franklin Township	37,758.00	1,027.02
Hudson	Bayonne City	100,000.00	3,111.00
	DELAWARE & RARITAN CANAL FEEDER		
Hunterdon	Delaware Township	$7,638.00	$362.81
	Stockton Borough	569.00	29.36
	Lambertville City	13,964.00	564.15
Mercer	Hopewell Township	123.00	4.43
	Ewing Township	867.00	21.41
	Trenton City	3,894.00	125.39
		296,944.00	9,620.07
	Total for Delaware & Raritan Canal & Feeder	**$308,429.00**	**$9,989.89**
		26,668,177.00	915,449.83
	Total for U. N. J. R. R. & Canal Company	**$26,797,786.00**	**$920,080.47**

Reasons.

Filed September 30, 1922.

NEW JERSEY SUPREME COURT.

THE PENNSYLVANIA RAILROAD, UNITED NEW JERSEY RAILROAD COMPANY, Lessee of the & CANAL COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Reasons.

The prosecutor presents the following reasons for setting aside the valuation and assessments of taxes brought before this Honorable Court by the writ of certiorari in the above-entitled cause:

1. Because said valuations are in excess of the true value of the lands assessed, according to the legal evidence before the State Board of Taxes and Assessment.

2. Because said assessments were determined by said Board upon an erroneous principle in that said valuations are based upon the prices paid for other lands with which the lands assessed are not lawfully comparable in value.

3. Because said assessments were determined by said Board upon an erroneous principle in that said Board considered only the highest prices paid for other lands in certain vicinities and disregarded lower prices paid for lands in the same vicinities.

Reasons

4. Because said assessments were determined by said Board upon an erroneous principle in that said valuations are based upon a supposed general increase in the value of all lands along the shore of the Hudson River and New York Bay in Hudson County, regardless of the location, condition and use of such lands.

5. Because there was no legal evidence before said Board which supports or justifies said valuations and assessments.

6. Because said valuations and assessments are contrary to the clear weight of the evidence before said Board.

7. Because said Board upon the hearing of the complaint of prosecutor against said valuations and assessments admitted illegal testimony against the objection of prosecutor and based its determination of said valuations and assessments thereon.

8. Because said Board upon the hearing of the complaint of prosecutor against said valuations and assessments excluded legal evidence against the objection of prosecutor.

9. Because said Board determined said valuations and assessments arbitrarily and not upon the legal evidence before it.

10. Because said assessments are excessive and erroneous in principle.

11. Because for the reasons above stated, or one or some of them, and in other respects, said valuations and assessments are erroneous, unconstitutional, unlawful and illegal.

WALL, HAIGHT, CAREY & HARTPENCE,
Attorneys for Prosecutor.

Opinion of the Supreme Court.

Filed Nov. 20th, 1923.

NEW JERSEY SUPREME COURT,

June Term, 1923.

DELAWARE, LACKAWANNA & WESTERN R. R. Co., Prosecutor, vs. STATE BOARD OF TAXES, ETC.	No. 211.
CENTRAL R. R. Co. OF N. J. Prosecutor, vs. STATE BOARD OF TAXES, ETC.	No. 216.
LONG DOCK COMPANY, Prosecutor, vs. STATE BOARD OF TAXES, ETC.	No. 217
LEHIGH VALLEY R. R. Co. OF N. J., Prosecutor, vs. STATE BOARD OF TAXES, ETC.	No. 218.
ARLINGTON R. R. Co., Prosecutor, vs. STATE BOARD OF TAXES, ETC.	No. 219.

PENNSYLVANIA R. R. CO., UNITED N. J. R. R. & CANAL CO., Prosecutors, vs. STATE BOARD OF TAXES, ETC.	No. 235.
WEST SHORE R. R. CO., N. Y. CENTRAL, ETC., CO., Lessee, Prosecutor, vs. STATE BOARD OF TAXES, ETC.	No. 236.

Argued June 6, 7, 1923; decided November , 1923.

On certioraris to judgments of the State Board of Taxes and Assessments in matter of taxation.

Before: Justices Trenchard and Parker.

For the prosecutors, Albert C. Wall, M. M. Stallman and Robert J. Bain.

For the defendant, Edward P. Stout.

Per curiam. These writs, as prosecuted, amount to a concerted attack upon the valuations for 1922 of real estate in Hudson County belonging to the several prosecutors, consisting of main stem and second-class railroad property, situated for the most part on the tidewaters of Hudson River and New York Bay. A glance at our law reports will show that these tax valuations are a source of constant litigation, and that the settlement of that litigation by the Courts, reviewing the tax board on matters of fact as well as of law, is a matter of some difficulty. In the cases at bar, a very large number of items are involved,

and counsel do not undertake to deal with them in detail, either in the argument or in the briefs. The stress of the argument of prosecutors is that the valuation for 1922 shows a total increase over that for 1921, of about twenty-three million dollars, or an average of 42 per cent of the total values of 1921; and that such an increase is not justified by the evidence taken before the State Board and now before us; and we are asked, apparently, to set them aside *in toto* and send the whole matter back for a new assessment. For the board it is argued that the valuations are severally and in total sustained by the evidence taken, and we are asked generally to affirm the judgments under review. We may as well say at this time, that these valuations are not to be rigidly tested by any constant factor, and that while there is, of course, much similarity in all these water front properties, as was said by this Court in Long Dock Co. v. State Board of Assessors, 89 N. J. L. 108, this does not justify the Court in disregarding the separate identity of the various properties.

Certain general matters seem to be satisfactorily settled by the evidence, and these may as well be stated as a preliminary to detailed examination.

1. That with the growth of New York and vicinity as a commercial centre, the water front properties have been progressively taken up for mercantile purposes, so that available properties have, consequently, become scarce, and as a result are commanding substantially higher prices.

2. That certain localities should be valued higher than others according to situation and accessibility.

3. The witnesses on both sides seemed to agree

that the "peak" of values lies in the neighborhood of the Pennsylvania and Lackawanna terminals in Jersey City and Hoboken, and that values shade off thence in both directions.

4. There seems to be a minor "peak" at Constable Hook in Bayonne, which affects railroad property in that immediate locality.

5. Sales in the Greenville district indicate considerable activity there, and substantial increase in taxable value is justified in view thereof.

6. We cannot accede to the suggestion on behalf of prosecutors that "railroad" value is not market value, nor a proper test thereof. The pronouncement of this Court in the Long Dock case, *supra,* is to the contrary. We there said, in substance, that it was proper to consider fair value for average business; whether a greater value existed for railroad purposes; and the increment, if any, because of assemblage and consolidation of properties.

7. We do not think it follows from the fact, if it be a fact, that the value of a particular tract in a particular situation has increased by a certain percentage, that other tracts elsewhere have increased in value to a like extent.

Bearing these principles in mind, we proceed to an examination of the particular items. And here it may be noted, (a) that of the items appealed, many show the same valuations in 1922 that were placed on them for 1921; (b) that in many cases of increase, the Board was apparently unanimous as to increase and its extent; (c) that in many other cases the Board was unanimous for an increase but divided

New Jersey State Library

as to the extent thereof. Speaking for the purposes of this case, and after a careful consideration of the facts and arguments, we conclude that ordinarily, valuations of 1922 identical with those of 1921 should be affirmed; valuations ordered by a unanimous board should not be set aside unless it is entirely clear that the evidence will not fairly support them; and valuations by a divided board should be determined according to circumstances.

Taking up the New York Central group, we find some 23 items, all of which exhibit the same valuations as in the preceding year, and which can have no legitimate bearing either on the total increase, either of millions or of per cent. We can see no reason at all for disturbing this group of valuations, and they will be affirmed with costs.

In the Lehigh Valley group of 52 items, 39 show no increase, and these will be affirmed. The other 13 will now be considered. Identifying each by acreage, and stating the increase in thousands per acre, they tabulate thus:

2.433	inc.	from	54 to 55.
16.414	"	"	7 to 15.
13.638	"	"	8 to 20.
1.106	"	"	15 to 20.
0.303	"	"	4.8 to 15.

As to these, the increases were approved by apparently the whole board, and we think them proper. They will be affirmed. Items:

2.835	from	54 to 65.
3.497	"	14.4 to 20.
13.650	"	14.4 to 15.
38.38	"	55 to 65.
3.035	"	10 to 20.
88.365	"	14.5 to 20.

As to these, the Board was not in accord, but we concur in the majority finding. They will be affirmed. Items:

5.941 from 28 to 40; and
25.673 " 20.5 to 40

We consider this value too high, and adopt the minority value of 30 in each case. Item 1.230 not assessed in 1921, will be affirmed.

Erie group. This embraces only seven items, on three of which there was no dissent in the board, they are:

3.790 from 1.2 to 2 (Arlington R. R.)
6.257 " 84 to 90.
0.924 no change.

As to these, we do not feel that the findings of the board should be disturbed.

The other four items are:

16.555 from 66 to 87 or 30% minority 72.988.
67.83 from 64 to 90 or 40% minority 70.576.
2.816 from 60 to 90 or 50% minority 66.
3.164 from 60 to 90 or 50% " 66.

They consist of two "terminal" tracts and two "bulkhead" tracts and are typical of the great increases challenged in the general argument. Conceding the great increase in valuations apparently indicated at the two ends of the line, Weehawken and Constable Hook, and the high sales price of the elevator tract in this immediate vicinity, we still are unable to agree that such great advances in one year are fairly supported by the evidence. So far as the price of the elevator tract is concerned, that sale was made in 1916, at a time when business was enor-

mously and unhealthily stimulated by the war in Europe, and under circumstances tending to force an unusual price. We have already said that a given per cent of increase at one place in the line does not necessarily call for a similar percentage elsewhere, and that is applicable now. We think that a figure of 75 for all four items is applicable; and that figure will be applied.

In the Lackawanna group, a somewhat similar disposition will be made. On item 10.315 there was no dissent in advancing from 92 to 96. That will be affirmed. In item 7.621 the minority valuation was slightly higher than the majority of 65. The majority valuation is affirmed. In item 16.136 the increase to 68.8 seems reasonable, and that will be affirmed. The advances in the other items we consider excessive. Item 131.84 advanced from 64 to 95 will be fixed at 80. The same with respect to item 40.068. Item 1.525 advanced from 53 to 75 (upper ferry tract) calls for a substantial increase but not 41 per cent. A valuation of 65 is all that we think should be put upon it. Items 3.240 and 3.728 (main stem in terminal tract), were advanced from 78 to 95 and 96 respectively. They will be figured at 85 each.

Pennsylvania group. This embraces two items of Greenville Terminal, three at the Jersey City terminus, and two at the adjoining Harsimus district.

The Greenville district, according to the State's expert, showed the point of lowest values and yet the board increased tract 343.137 from 11.253 to 20, and tract 12.731 from 13.2 to 20. We consider this advance in part unwarranted. Tract 343.137 will be valued at 15, and the other at 16.

At the Jersey City terminal, tract 30.564 was advanced from 79.8 to 95. The minority valuation was

87.780 and we think is all the property will bear. The same of tract 3.623. Tract 2.932 was valued at 96 for 1921 and not advanced. That valuation will stand.

In the Harsimus district, tract 98.835 ("Terminal Tract") was advanced from 63.7 to 88.1, and tract 6.682 from 57.57 to the same figure, 88.1. What we have said about the adjoining Erie Tracts is applicable, and the values of 75 adopted there, will be applied here.

The New Jersey Central Railroad group vividly illustrates what has been said respecting the minor "peak" in the Bayonne district. A number of parcels at that point show increases of 100 per cent and even more, apparently concurred in by the entire board. Such increases we consider are justified by the evidence, and they will be affirmed as respects the following items: 3.624; 8.898; 1.889; 5.841; 7.514; 0.851; 2.495; 7.504; 4.580; 4.028 and 19.342. These embrace most of the main line through Bayonne, and the Constable Hook and Port Johnson branches, all in a rapidly growing city and some connected directly with and running to deep water.

Tract 3.986 was raised from 12 to 20. That value will also be affirmed, although the board was not unanimous on the extent of the appreciation.

As to tracts 5.464, and 97.063, both increased from 55 to 65, the minority figures are not strikingly below those of the majority, which have respectable evidence to support them, and will be affirmed.

A similar result is reached as to tracts 3.120, 19.611 and 5.610.

The valuation of tract 6.302 we fix at 33; that of 71.3 at 28. We are unable to see any proper ground for the values placed on these by the board.

There remain four large parcels:

84.724 raised from 14.5 to 30.
99.1 " " 14.5 to 25.
28.718 and
24.613 raised from 20 to 40.

As to these four, the minority was hopelessly in disagreement, and the increases are so great as to be more than impressive. Lacking the unanimity accorded to similar increases just noted, and being in an entirely different locality, they require most substantial support in the evidence, reasoning and facts, as well as mere expert opinions. In our view, they fail to have such support, and cannot have the sanction of this Court. Tract 84.724 is hereby valued at 20; tract 99.1 at 17.5; tracts 28.718 and 24.613 at 28 each.

This seems to complete the detailed survey of the items challenged. Rules in conformity with these views may be entered in the several cases.

Rule for Judgment.

Entered Dec. 15th, 1923.

NEW JERSEY SUPREME COURT,

THE UNITED NEW JERSEY RAILROAD & CANAL COMPANY, The Pennsylvania Railroad Company, Lessee, Prosecutor, vs. THE STATE BOARD OF TAXES & ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected the assessments of taxes payable by prosecutor in the year 1922 and the proceedings returned with the certiorari in this cause the reasons assigned for setting the same aside, and heard the argument of counsel thereon, and considered the same; and it appearing that said assessments are in part unlawful and excessive—

It Is Ordered that said assessment to the extent that it is based on the following described property of prosecutor at the valuations hereafter stated, be and it hereby is affirmed:

Description of Property	Area in Acres	Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY		
Exterior Line for solid filling to Washington Street:	2.932	$281,472

Rule for Judgment

And It Is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment, be and they hereby are reduced as hereafter stated.

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY—HUDSON			
Line for solid filling to Henderson Street	6.682	$ 588,684	$ 501,150
Second Class:			
Land outside main stem, excess north and south of main stem in terminal tract from east side of Washington Street to pierhead line	30.564	2,903,580	2,682,907.92
Land outside main stem, excess in terminal tract from Henderson Street to pierhead line and from a line parallel with and 45′ north of Pier "M" to Morgan Street	98.835	8,707,363	7,412,625
Land outside main stem, 240′ front on bulkhead line extending south from the north side of Exchange Place to south side of Annex Slip	3.623	344,185	318,026.94

And It Is Further Ordered, that said assessments be corrected in accordance herewith.

Entered December 15th, 1923.

On motion of

WALL, HAIGHT, CAREY & HARTPENCE,
Per Wall,
Attorneys of Prosecutor.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Notice of Appeal.

Served Jan. 16th, 1924.
Filed Jan. 18th, 1924.

NEW JERSEY SUPREME COURT,

THE UNITED NEW JERSEY RAILROAD & CANAL COMPANY, The Pennsylvania Railroad Company, Lessee, Prosecutor, vs. THE STATE BOARD OF TAXES & ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Notice of Appeal.

To:
Wall, Haight, Carey & Hartpence,
Attorneys for Prosecutor:

Take Notice that the defendants in the above-entitled cause appeal to the New Jersey Court of Errors and Appeals from so much of the judgment entered in the New Jersey Supreme Court in said cause, as orders and adjudges as follows:

"And It Is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment, be and they hereby are reduced as hereafter stated.

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY—HUDSON			
Line for solid filling to Henderson Street	6.682	$ 588,684	$ 501,150
Second Class:			
Land outside main stem, excess north and south of main stem in terminal tract from east side of Washington Street to pierhead line	30.564	2,903,580	2,682,907.92
Land outside main stem, excess in terminal tract from Henderson Street to pierhead line and from a line parallel with and 45′ north of Pier "M" to Morgan Street	98.835	8,707,363	7,412,625
Land outside main stem, 240′ front on bulkhead line extending south from the north side of Exchange Place to south side of Annex Slip	3.623	344,185	318,026.94

And It Is Further Ordered, that said assessments be corrected in accordance herewith,"

on the following grounds:

1. The assessed valuations of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by prosecutor's experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided Board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and prosecutor having failed to show that said assessed valuations were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess, the Supreme Court therefore should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determination of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

EDWARD P. STOUT,
Attorney for Defendants-Appellants.

Writ of Certiorari

(Pennsylvania R. R. System—New York Bay R. R.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

New Jersey, ss:

The State of New Jersey to the State Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

(Seal.)

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April 10th, 1884," which revising and amending act was approved March 27th, 1888, and the amendments thereof and supplements thereto, on certain property of the New York Bay Railroad Company, a corporation, The Pennsylvania Railroad Company, Lessee, enumerated as follows:

40 30 20 10

THE NEW YORK BAY RAILROAD COMPANY

State of New Jersey—State Assessment 1922
Jersey City, Hudson County, New Jersey.

Description of Property		Areas in Acres	Assessed Values for 1922
Main Stem Second Class	From Morris Canal to Bulkhead, New York Bay....	12.731	$ 254,620
	Land outside main stem, excess in terminal tract between Morris Canal and exterior line for piers, exclusive of 150′ channel north of main stem	343.137	6,862,740

Writ of Certiorari

DO COMMAND YOU that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you or any of you, or under your control, you certify and send to the Justices of our Supreme Court at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and Constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this fifth day of September, 1922.

ENOCH L. JOHNSON,
Clerk

WALL, HAIGHT, CAREY & HARTPENCE,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey used for railroad purposes, which taxes, so far as they are based upon the property described in this writ, shall be upon the values for 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes & Assessment.

NEW JERSEY SUPREME COURT.

PENNSYLVANIA RAILROAD COMPANY, Lessee of the New York Bay Railroad Company, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY.	On Certiorari. Return to Writ

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand, eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the New York

Bay Railroad Company, the within named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Items complained of in Second Class Property Assessment, 1922.

Exhibit C. Complaint and Protest.

Exhibit D. Additional Complaint and Protest.

Exhibit E. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit F. Minority Statement on Fnal Determination.

Exhibit G. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,
Frank D. Schroth,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessment on Main Stem.

New York Bay Railroad Company

Taxing District of Jersey City, County of Hudson.

(Main Stem—Assessment 1922.)

Description of Property	Area	Assessed Value
From Morris Canal to bulkhead, New York Bay ..	12.731 acres	$254,620

Exhibit B.

Assessment on Second Class Property

STATE OF NEW JERSEY

State Board of Taxes and Assessment

New York Bay

Taxing District of Jersey City (Cont'd), County of Hudson.

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922

Description of Property	Value	Total Value	Local Tax Rate	Tax for Taxing District
* * * * * * * * * *				
Land outside main stem, excess in terminal tract between Morris Canal and exterior line for piers, exclusive of 150′ channel north of main stem	343.137 Ac.	$6,862,740.00		
* * * * * * * * * *				

Exhibit C.

Complaint

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property of the PENNSYLVANIA RAILROAD COMPANY and the Companies comprised in its System for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey.

Gentlemen:

The Pennsylvania Railroad Company for itself and the Companies aforesaid are aggrieved by the valuation of their property in the State of New Jersey, used for railroad purposes, for assessment for the year 1922, and specify their grievances as follows:

1. Valuations of said property, and of each class thereof, for assessment for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made are erroneous.

3. Said valuations include property not used for railroad purposes.

4. Said property was not valued for assessment for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisions of paragraph 12 of Section

VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem) situated in the respective taxing districts, are at a rate in excess of the rate of assessment upon property of like character and similarly situated, and are not in the same relative proportion of true value as that by which other property in the same taxing district was assessed, and are in excess of and disproportionate to the assessments placed upon the property of other owners in said taxing district, and by reason thereof the said Companies are denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United tSates.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon the prosecutors and their property with no opportunity for the prosecutors to be heard in respect thereof, thereby depriving the prosecutors of their property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to the prosecutors the equal protection of the laws in violation of the Fourteenth Amendment to the Con-

stitution of the United States, because they cause taxes to be levied upon the prosecutors and their property with no opportunity for the prosecutors to be heard in respect thereof, while the owners of other property who contribute to the same common burden of taxation are by law given such opportunity to be heard.

Said valuations are wrongful, erroneous, unlawful, illegal and unconstitutional, and the statutes under which they were made and levied are unlawful, illegal and unconstitutional.

The taxes on said property for the year 1922 have not been determined and said Companies being without remedy in respect thereof, at this time, reserve their right to object to and complain against said taxes after the same have been determined.

Said Companies complain against said valuations for the reasons hereinbefore set forth and request your Honorable Board to review and correct the same.

Dated, November 18, 1921.

THE PENNSYLVANIA RAILROAD CO.,
By JOHN P. GAUFF.

Exhibit D.

Additional Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of the property used for railroad purposes, of the PENNSYLVANIA RAILROAD COMPANY, Lessee, for taxes payable in the year 1922.	Additional Complaint.

To the State Board of Taxes and Assessment:

The Pennsylvania Railroad Company, Lessee; and the Barnegat Railroad Company; Belvidere Delaware Railroad Company; Camden & Burlington County Railroad Company; Delaware River Railroad & Bridge Company; Freehold & Jamesburg Agricultural Railroad Company; Harrison & East Newark Railroad Company; New York Bay Railroad Company; Pennsylvania & Atlantic Railroad Company; Perth Amboy & Woodbridge Railroad Company; Pennsylvania Tunnel & Terminal Railroad Company; Philadelphia & Beach Haven Railroad Company; Rocky Hill Railroad & Transportation Company; United New Jersey Railroad & Canal Company; and West Jersey & Seashore Railroad Company again complain against the valuations of their respective properties in the State of New Jersey, used for railroad purposes, for taxation in the year 1922, for the reasons stated in the complaint in writing heretofore filed by each of them against the same; and complaint against the as-

sessments thereof and taxes thereon for said year for the same reasons, and also because said assessments were made and said taxes levied by and upon erroneous and unlawful principles, and are excessive, erroneous, wrongful, unconstitutional, unlawful and illegal. Said companies, respectively, request your Honorable Board to review and correct said valuations, assessments and taxes upon the testimony and evidence heretofore produced by them, and each of them, upon the hearing by you of their said complaints against said valuations.

Dated, June 17, 1922.

The Pennsylvania Railroad Company, Lessee.
The Barnegat Railroad Company.
Belvidere Delaware Railroad Company.
Camden and Burlington County Railroad Company.
Delaware River Railroad & Bridge Company.
Freehold and Jamesburg Agricultural Railroad Company.
Harrison & East Newark Railroad Company.
New York Bay Railroad Company.
Pennsylvania & Atlantic Railroad Company.
Perth Amboy & Woodbridge Railroad Company.
Pennsylvania Tunnel & Terminal Railroad Company.
Philadelphia & Beach Haven Railroad Company.
Rocky Hill Railroad & Transportation Company.
United New Jersey Railroad & Canal Company.
West Jersey & Seashore Railroad Company.

By A. ROPENO SMILEY,
Tax Agent

State of Pennsylvania,
County of Philadelphia, ss:

A. Robeno Smiley, of full age, being duly sworn according to law, on his oath says that he is the Tax Agent of the Pennsylvania Railroad Company, Lessee, and the other companies named in the foregoing complaint; that he has charge of matters of assessment and taxation of their respective properties used for railroad purposes in the State of New Jersey; and that the said complaint is true to the best of his knowledge and belief.

A. ROBENO SMILEY.

Sworn to and subscribed to before me, this
17th day of June, 1922.
J. Alfred Coxe,
(Seal.) Notary Public.
Commission expires March 5, 1925.

Exhibit E.

Abstracts from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit G.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Pennsylvania Railroad System for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,

James Baker, President
Frank B. Jess
Harry W. Mutchler
M. R. Margerum
Isaac Barber

New York Bay Railroad Company

Return of Comptroller.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the New York Bay Railroad Company for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment, hereby certify and report to you the following statement of assessed valuations of the New York Bay Railroad Company, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the New York Bay Railroad Company:

For Main Stem	$2,452,918.00	
For Franchise	1,000.00	$2,453,918.00
For tangible personal property necessary for and used in State Commerce	.....	
Total assessable for State uses		$2,453,918.00

For real estate used for railroad purposes, other than main stem	9,096,463.00
Aggregate assessed valuation ..	$11,550,381.00
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$87,384.02
Tax for uses of taxing district on real estate used for railroad purposes, other than main stem, at local rates	314,231.21
Total Tax	$401,615.23

Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of State Comptroller

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the New York Bay Railroad Company, used for railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

County.	Taxing District	Value	Local Tax.
	MAIN LINE		
Essex	Newark City	$149,868.00	$5,665.01
	Jersey City	866.00	26.94
	Bayonne City	8,913,170.00	307,326.10
		$9,063,904.00	$313,018.05
	BRANCHES		
	PASSAIC BRANCH		
Essex	Newark City	$22,366.00	$845.43
Hudson	Kearny, Town of	3,920.00	130.61
		$26,286.00	$976.04
	WEST NEWARK BRANCH		
Essex	Newark City	$6,273.00	$237.12
	Total for Main Line & Branches	$9,096,463.00	$314,231.21

Reasons.

Filed September 30, 1922.

The reasons in this case are similar to those in the New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Dec. 15th, 1923.

NEW JERSEY SUPREME COURT,

THE NEW YORK BAY RAILROAD COMPANY, The Pennsylvania Railroad Company, Lessee, Prosecutor, vs. THE STATE BOARD OF TAXES & ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected the assessments of taxes payable by prosecutor in the year 1922 and the proceedings returned with the certiorari in this cause, the reasons assigned for setting the same aside, and heard the argument of counsel thereon, and considered the same; and it appearing that said assessments are unlawful and excessive.

It Is Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment be and it is hereby reduced as follows:

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
Main Stem Second Class:			
From Morris Canal to Bulkhead, New York Bay	12.731	$254,620	$203,696
Second Class:			
Land outside Main Stem excess in terminal tract between Morris Canal and exterior line for piers, exclusive of 150' Channel north of Main Stem	343.137	6,862,740	5,147,055.

And It Is Further Ordered, that said assessment be corrected in accordance herewith.

Entered December 15th, 1923.

On motion of

WALL, HAIGHT, CAREY & HARTPENCE,
Per Wall,
Attorneys of Prosecutor.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Notice of Appeal.

Served Jan. 16th, 1924.
Filed Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

THE NEW YORK BAY RAILROAD COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES & ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Notice of Appeal.

To:

Wall, Haight, Carey & Hartpence,
Attorneys for Prosecutor:

Take Notice that the defendants in the above-entitled cause appeal to the New Jersey Court of Errors and Appeals from the whole of the judgment entered in the New Jersey Supreme Court in said cause, on the following grounds:

1. The assessed valuations of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are

arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by prosecutor's experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board, and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and prosecutor having failed to show that said assessed valuations were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess, the Supreme Court therefore should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determination of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

EDWARD P. STOUT,
Attorney for Defendants-Appellants.

West Shore Railroad

(New York Central System—West Shore R. R.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

New Jersey, ss:

The State of New Jersey to the State Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

(Seal)

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General) to be certified of the valuation and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April 10th, 1884," which revising and amending act was approved March 27th, 1888, and the amendments thereof and supplements thereto, on certain property of The West Shore Railroad Company, a corporation, enumerated as follows:

NEW YORK CENTRAL RAILROAD COMPANY

WEST SHORE RAILROAD

Description	Areas in Acres	Assessed Values for 1922
"Land outside main stem, southerly tract, bounded on the north by Main Stem of the West Shore Railroad; on the east by the exterior line for piers; on the south by the southerly line of the West Shore Railroad Company's property and northerly line of lower highway; on the west by the main stem of the New Jersey Junction Railroad"	20.795	$ 935,775
"Land outside main stem, northerly tract, bounded on the north by the dividing line between Weehawken Township and the Town of West New York; on the east by the exterior line for piers; on the south and west by the main stem of the West Shore Railroad" .	59.720	2,687,400
"Land outside main stem, excess at east end of tunnel"	3.680	23,512
"Land outside main stem, excess in terminal tract, bounded on the north by lands of the New York, Ontario & Western R. R.; on the east by the exterior line for piers; on the south by the dividing line between the Town of West New York and Weehawken Township; and on the west by the main stem of the West Shore R. R. and New York & Fort Lee R. R."	114.281	5,124,645

DO COMMAND YOU that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you, or any of you, or under your control, you certify and send to the Justices of our Supreme Court at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and Constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this fifth day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

WALL, HAIGHT, CAREY & HARTPENCE,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey used for railroad purposes, which taxes, so far as they are based upon the property described in this writ, shall be upon the values for 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

NEW JERSEY SUPREME COURT.

WEST SHORE RAILROAD CO., Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand, eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the West Shore Railroad Co., the within-named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessments, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Second Class property Assessment, 1922.

Exhibit B. Complaint and Protest.

Exhibit C. Additional Complaint and Protest.

Exhibit D. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit E. Minority Statement on Final Determination.

Exhibit F. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,

FRANK D SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessments on Second Class Property.

West Shore Railroad Company

Taxing District of *Weehawken Township,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, southerly tract, bounded on the north by the main stem of the West Shore Railroad, on the east by the exterior line for piers, on the south by the southerly line of the West Shore Railroad Company's property, and northerly line of lower highway, on the west by the main stem of the New Jersey Junction Railroad	20.795 Ac.	$ 935,775.00			
Land outside Main stem, northerly tract, bounded on the north by the dividing line between Weehawken Township and the Town of West New York, on the east by the exterior line for piers, on the south and west by the main stem of the West Shore Railroad	59.720 Ac.	2,687,400.00			
* * * * * *					
Land outside main stem, excess at east end of					
* * * * * *		tunnel			3.680 Ac.

West Shore Railroad Company

Taxing District of *Town of West New York,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, excess in terminal tract, bounded on the north by the land of the New York, Ontario and Western R. R., on the east by the exterior line for piers, on the south by the Dividing line of the Town of West New York and Weehawken Township, on the west by the main stem of the West Shore R. R., and New York and Fort Lee R. R.	114.281 Ac.	$5,142,640.00			
* * * * * *			$8,175,924.00		$336,193.99
			$8,197,489.00	$4,112	**$337,080.75**

(Figures in bold face type were erased.)

40 30 20 10

Exhibit B.

Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property of the WEST SHORE RAILROAD COMPANY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey.

Gentlemen:

The West Shore Railroad Company, a corporation organized and existing under and by virtue of the laws of the States of New Jersey and New York, respectively, by Robert M. Clark, as its Land and Tax Agent, who has an office at number four hundred sixty-six Lexington Avenue, in the Borough of Manhattan, City, County and State of New York, respectfully shows that it is aggrieved by the valuations placed by your Honorable Board upon its property, located and situated in the State of New Jersey and used for railroad purposes, for assessment and taxation purposes for the year 1922, and specifies its grievances as follows:

1. The valuations of said property, and of each class thereof, for assessment and taxation purposes for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made are erroneous, improper and illegal.

3. Said valuations include property not used for railroad purposes, and which is not subject to valuation by your Honorable Board for assessment and taxation purposes.

4. Said property was not valued for assessment and taxation purposes for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisons of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem) located and situated in various and respective taxing districts of the said State of New Jersey, are at a rate in excess of the rate of assessment and valuations upon property of like character and similarly located and situated, and are not in the same relative proportion or ratio of true value as that by which other property in the same various and respective taxing districts was or will be assessed or valued, and are in excess of and disproportionate to the assessments and valuations placed upon the property of other owners in said various and respective taxing districts, and by reason thereof the said The West Shore Railroad Company is denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon the complainant and its property with no opportunity for the complainant to be heard in respect thereof, thereby depriving the complainant of its property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The status under which said violations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to the complainant the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon the complainant and its property with no opportunity for the complainant to be heard in respect thereof, while the owners of other property who contribute to and assume the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, excessive, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional.

The rates of taxation to be applied to the said valuations of said property and of each class thereof, for assessment and taxation purposes for the year 1922, have not been determined, and the said The West Shore Railroad Company being without remedy in respect thereof at this time, reserves its right to object to and complain against the said rates of taxation which may or will be applied to said valuations

for the purposes of determining the taxes on said property for the year 1922, after the said rates of taxation have been determined.

The taxes on said property for the year 1922 have not been determined and the said The West Shore Railroad Company being without remedy in respect thereof at this time, reserves its right to object to and complain against said taxes after the same have been determined.

The said The West Shore Railroad Company complains against said valuations for the reasons hereinbefore set forth, and requests your Honorable Board to review and correct the same, and to give to it such other and further relief as may be proper and equitable in the premises.

THE WEST SHORE RAILROAD COMPANY,
By Robert M. Clark,
As its Land and Tax Agent.

Dated, November 19, 1921.

State of New York,
County of New York, ss:

Robert M. Clark, of full age, being duly sworn upon his oath according to law, deposes and says: That he is the Land and Tax Agent of The West Shore Railroad Company, complainant named in the foregoing complaint and protest, for and on whose behalf said complaint and protest has been prepared and is about to be filed; that as such Land and Tax Agent as above described, deponent has jurisdiction over all of the property of the said complainant located and

situated in the State of New Jersey, and assessments and valuations made of and/or against and/or on account of said property and taxes levied upon and/or against and/or on account of said property and/or all litigation arising out of same; that the deponent has read the foregoing complaint and protest; that said complaint and protest is true to the best of deponent's knowledge and belief; that deponent signed the said complaint and protest for and on behalf of the said complainant as Land and Tax Agent, as aforesaid of said complainant, as an official of said complainant (the said complainant being a corporation, as stated in said complaint and protest and acting and appearing by and through its agents, attorneys and/or officials), and now makes this verification of said complaint and protest, having full power and authority so to do.

ROBERT M. CLARK.

Subscribed and sworn to before me this
19th day of November, 1921.
Frank G. Brouson,
Notary Public,
Westchester County.
Certificate filed in New York County.
N. Y. County No. 200, N. Y. Register No. 2150.
My commission expires March 30, 1922.

West Shore Railroad

Exhibit C.

Supplemental Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of the property of the WEST SHORE RAILROAD COMPANY, a corporation, the NEW JERSEY JUNCTION RAILROAD, a corporation, and the NEW YORK AND FORT LEE RAILROAD COMPANY, a corporation, respectively, for the year 1922.	Supplementary Complaint and Protest.

To the State Board of Taxes and Assessment,
Trenton, New Jersey.

Gentlemen:

The West Shore Railroad Company, a corporation organized and existing under and by virtue of the laws of the States of New Jersey and New York, respectively, and the New Jersey Junction Railroad Company, a corporation, duly organized and existing under and by virtue of the laws of the State of New Jersey, and the New York and Fort Lee Railroad Company, a corporation, existing under and by virtue of the laws of the State of New Jersey, each by Robert M. Clark, as its respective land and tax agent, who has an office at number four hundred sixty-six Lexington Avenue, in the Borough of Manhattan, City, County and State of New York, respectfully shows:

1. That each of said companies has heretofore filed to wit: on November 21st, 1921, complaints and protests against the valuations of its respective properties for assessment and taxation purposes.

2. That hearings were had before your Honorable Board in respect to said valuations and the complaints and protests filed thereto.

3. That conclusions or judgments were rendered and filed relative to said valuations, etc., and taxes have been extended against the said valuations, certificates relating to same having been filed with the Comptroller of the State of New Jersey.

The said companies, by the said Robert M. Clark as their respective Land and Tax Agent, do hereby refile said complaints and protests and do reiterate and re-offer all of the objections therein set forth as by a reference to the record thereof will more fully appear and as if the said complaints and protests were herewith reiterated and repeated in detail, and do further protest and object against the taxes which have been extended against the said valuations, etc., and certified and filed with the Comptroller of the State of New Jersey, and do further re-offer the entire record of all of the evidence introduced on the part of the State, and/or the companies in the hearings to which reference has been made as if such evidences were re-taken, re-offered or re-introduced subsequent to the filing of these supplementary complaints and protests.

And the said companies, by the said Robert M. Clark as their respective Land and Tax Agent, do ask for such correction, reduction, etc., in respect of said valuations and on taxes stated against same as may

appear proper, legal and equitable in the premises.

THE WEST SHORE RAILROAD COMPANY,
By Robert M. Clark,
As its Land and Tax Agent.

THE NEW JERSEY JUNCTION RAILROAD COMPANY,
By Robert M. Clark,
As its Land and Tax Agent.

THE NEW YORK & FORT LEE RAILROAD COMPANY,
By Robert M. Clark,
As its Land and Tax Agent.

Dated, June 17, 1922.

State of New York,
County of New York, ss:

Robert M. Clark, of full age, being duly sworn upon his oath according to law, deposes and says: That he is the Land and Tax Agent of the West Shore Railroad Company, the New Jersey Junction Railroad Company, and the New York and Fort Lee Railroad Company, respectively, the complainants in the foregoing supplementary complaint and protest has been prepared and is about to be filed; that as such Land and Tax Agent as above described, deponent has jurisdiction over the property of said complainants located and situated in the State of New Jersey and assessments and valuations made of and/or against

and/or on account of said property, and taxes levied upon and/or against and/or on account of said property and/or all litigation arising out of same; that the deponent has read the foregoing supplementary complaint and protest and that the same is true to the best of deponent's knowledge and belief; that deponent signed the said supplementary complaint and protest for and on behalf of the said complainants as their respective Land and Tax Agent as aforesaid, as an official of the said complainants (the said complainants being corporations and acting and appearing by and through agents and attorneys and/or officials), and now makes this verification of said supplementary complaint and protest, having full power and authority so to do.

ROBERT M. CLARK.

Subscribed and sworn to before me this
17th day of June, 1922.
Frank G. Brouson,
Notary Public,
(Seal.)
Westchester County.
Certificate filed in New York County.
N. Y. County No. 310, N. Y. Register No. 4318.
My commission expires March 30, 1924.

Exhibit D.

Abstract from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

West Shore Railroad

Exhibit E.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eight-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessments, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the New York Central Railroad System, for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,
James Baker, President.
Frank B. Jess
Harry W. Mutchler
M. R. Margerum
Isaac Barber

Return of Comptroller.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed Schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for Taxes against the West Shore Railroad Company for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the West Shore Railroad Company, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the West Shore Railroad Company:

For Main Stem	$2,575,359.00	
For Franchise	11,800.00	$2,587,159.00
For tangible personal property necessary for and used in State Commerce		1,723,853.00
		$4,311,012.00

	15,117,129.00
Total assessable for State uses	15,095,564.00
For real estate used for railroad purposes, other than main stem	
Aggregate assessed valuation	$19,406,576.00
	$19,428,141.00
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$153,515.14
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates	535,378.55
	536,265.31
	$689,780.45
Total Tax	$688,893.69

(Figures in Italics were erased.)
Revised Return, July 25, 1922.
Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,
James Baker, President
Frank B. Jess
Harry W. Mutchler
M. R. Margerum
Isaac Barber

Reasons

Schedule of Assessments.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

Schedule showing valuation of property of the West Shore Railroad Company, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

County	Taxing District	Value	Local Tax
Hudson	Weehawken Township	$5,858,795.00	$158,070.29
		8,175,924.00	336,193.99
	Town of West New York	**$8,197,489.00**	**337,080.75**
	North Bergen Township	630,262.00	25,475.19
Bergen	Ridgefield Borough	330,647.00	11,142.80
	Overpeck Township or Ridgefield Park Village	8,276.00	489.11
	Bogota Borough	15,105.00	673.68
	Teaneck Township	22,030.00	1,242.49
	Bergenfield Borough	6,436.00	245.86
	Dumont Borough	34,557.00	1,326.99
	Haworth Borough	3,398.00	121.31
	Harrington Park Borough	5,616.00	204.98
	Norwood Borough	4,506.00	191.05
	Northvale Borough	12.00	.81
		$15,117,129.00	**$536,265.31**
		15,095,564.00	535,378.55
		15,421,881.00	547,199.11
	Total for Road	**$15,443,446.00**	**$548,085.87**

(Figures in bold face type were erased.)

Reasons.

Filed September 30, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

WEST SHORE RAILROAD COMPANY, a Corporation, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, TOWNSHIP OF WEEHAWKEN IN HUDSON COUNTY, and TOWN OF WEST NEW YORK, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected and reviewed the valuations and assessments of taxes for the year 1922 of Prosecutor's property and the proceedings thereon and final determination, certificate and report of the State Board of Taxes and Assessment in respect thereto returned with the Certiorari in this cause, and duly considered the Reasons filed and heard the argument of counsel thereon, and finding no error in said valuations and assessments, the proceedings thereon and final determination, certificate and report of the State Board,

It is Ordered that said valuations and assessments of taxes as fixed and determined by the judgment of said State Board of Taxes and Assessment be in all things affirmed with costs.

Entered January 18th, 1924.

On motion of

EDWARD P. STOUT,
Attorney for Defendants.

A true copy.

EDWARD J. KELLEHER,
Clerk.

(New York Central System—N. J. Junction R. R.)

Writ of Certiorari.

Allowed September 2, 1922;
Returnable September 22, 1922.

New Jersey, ss:

(Seal) The State of New Jersey to the State Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April 10th, 1884," which revising and amending act was approved March 27th, 1888, and the amendments thereof, and supplements thereto, on certain property of The New Jersey Junction Railroad Company, a corporation, enumerated as follows:

Description	Area in Acres	Assessed Value for 1922
From Park Avenue, Weehawken, to West New York line	16.931	$451,550
Back of American Cotton Oil Co. property, Guttenberg and West New York Line, south	0.243	9,720
Back of American Cotton Oil Co. property, Guttenberg	0.670	26,800
Guttenberg line to Bergen County line	5.200	208,000

DO COMMAND YOU that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same as they remain before you or any of you, or under your control, you certify and send to the Justices of our Supreme Court, at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and Constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this fifth day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

Wall, Haight, Carey & Hartpence,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey, used for railroad purposes, which taxes so far as they are based upon the property described in this writ, shall be upon the values for 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes & Assessment.

NEW JERSEY SUPREME COURT.

NEW JERSEY JUNCTION RAILROAD COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the New Jersey Junction Railroad Company, the within named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax and that it would meet on a date fixed, at the State House, in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment 1922.

Exhibit B. Complaint and Protest.

Exhibit C. Additional Complaint and Protest.

Exhibit D. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit E. Minority Statement on Final Determination.

Exhibit F. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,
FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessments on Main Stem.

New Jersey Junction Railroad Company.

(Main Stem—Assessment 1922)

Description of Property	Area	Assessed Values
Willow Avenue to Junction with New York & Fort Lee R. R.	16.931 acres	$451,550
West Shore Terminal to Guttenberg line	0.243 acre	9,720
Back of American Cotton Oil Co. property, Guttenberg	0.670 acre	26,800
Guttenberg line to Bergen County line	5.200 acres	208,000

Exhibit B.

Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The Assessment of Property of the NEW JERSEY JUNCTION RAILROAD COMPANY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment,
Trenton, New Jersey.

Gentlemen:

The New Jersey Junction Railroad Company, a corporation duly organized and existing under and bu virtue of the Laws of the State of New Jersey, by Robert M. Clark, as its Land and Tax Agent, who has an office at number four hundred sixty-six Lexington Avenue, in the Borough of Manhattan, City, County and State of New York, respectfully shows that it is aggrieved by the valuation placed by your Honorable Board upon its property, located and situated in the State of New Jersey, and used for railroad purposes, for assessment and taxation purposes for the year 1922, and specifies its grievances as follows:

1. The valuations of said property, and of each class thereof, for assessment and taxation purposes for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made, are erroneous, improper and illegal.

3. The said valuations include property not used for railroad purposes, and which is not subject to valuation by your Honorable Board for assessment and taxation purposes.

4. Said property was not valued for assessment and taxation purposes for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisions of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem), located and situated in various respective taxing districts of the said State of New Jersey, are at a rate in excess of the rate of assessment and valuation upon property of like character and similarly located and situated, and are not in the same relative proportion or ratio of true value as that by which other property in the same various and respective taxing districts, and by reassessed or valued, and are in excess of and disproportionate to the assessments and valuations placed upon the property of other owners in said various and respective taving districts, and by reason thereof the said The New Jersey Junction Railroad Company is denied the equal protection of the laws, in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valautions were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional

in that they cause taxes to be levied upon the complainant and its property with no opportunity for the complainant to be heard in respect thereof, thereby depriving the complainant of its property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to the complainant the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon the complainant and its property with no opportunity for the complainant to be heard in respect thereof, while the owners of other property who contribute to and assume the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, excessive, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional.

The rates of taxation to be applied to the said valuations of said property and of each class thereof, for assessment and taxation purposes for the year 1922, have not been determined, and the said The New Jersey Junction Railroad Company being without remedy in respect thereof at this time, reserve its right to object to and complain against the said rates of taxation which may or will be applied to said valuations for the purpose of determing the taxes on said property for the year 1922, after the said rates of taxation have been determined.

The taxes on said property for the year 1922, have not yet been determined and the said The New Jersey Junction Railroad Company being without remedy in respect thereof at this time, reserves its right to object and complain against said taxes after the same have been determined.

The said The New Jersey Junction Railroad Company complains against said valuations for the reasons hereinbefore set forth, and requests your Honorable Board to review and correct the same, and to give to it such other and further relief as may be proper and equitable in the premises.

THE NEW JERSEY JUNCTION RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

Dated November 19, 1921.

State of New York,
County of New York, ss:

Robert M. Clark, of full age, being duly sworn upon his oath according to law, deposes and says: That he is the Land and Tax Agent of The New Jersey Junction Railroad Company, the complainant named in the foregoing complaint and protest, for and on whose behalf said complaint and protest has been prepared and is about to be filed; that as such Land and Tax Agent, as above described, deponent has jurisdiction over all of the property of the said complainant located and situated in the State of New Jersey, and assessments made of and/or against and/or on account of said property and taxes levied upon and/or against

and/or on account of said property and/or all litigation arising out of same; that deponent has read the foregoing complaint and protest; that said complaint and protest is true, to the best of deponent's knowledge and belief; that deponent signed the said complaint and protest for and on behalf of the said complainant as Land and Tax Agent, as aforesaid, of said complainant, as an official of said complainant (the said complainant being a corporation, as stated in the said complaint and protest and acting and appearing by and through its agents, attorneys and/or officials), and now makes this verification of said complaint and protest, having full authority and power so to do.

ROBERT M. CLARK.

Subscribed and sworn to before me
this 19th day of November, 1921.
Frank G. Brouson,
(Seal) Notary Public,
Westchester County.

Certificate filed in New York County.
N. Y. County No. 200, N. Y. Register No. 2150.
My commission expires March 30, 1922.

Exhibit C.

Supplemental Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property of THE WEST SHORE RAILROAD COMPANY, a corporation, for THE NEW JERSEY JUNCTION RAILROAD, a corporation, and the NEW YORK AND FORT LEE RAILROAD COMPANY, a corporation, respectively, for the year 1922.	Supplementary Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey.

Gentlemen:

The West Shore Railroad Company, a corporation, organized and existing under and by virtue of the laws of the States of New Jersey and New York, respectively, and the New Jersey Junction Railroad Company, a corporation, duly organized and existing under and by virtue of the laws of the State of New Jersey, and the New York and Fort Lee Railroad Company, a corporation, existing under and by virtue of the laws of the State of New Jersey, each by Robert M. Clark, as its respective Land and Tax Agent, who has an office at number four hundred sixty-six Lexington Avenue, in the Borough of Manhattan, City, County and State of New York respectfully shows:

1. That each of said companies has heretofore filed to wit, on November 21st, 1921, complaints and protests against the valuations of its respective properties for assessment and taxation purposes.

2. That hearings were had before your Honorable Board in respect to said valuations and the complaints and protests filed thereto.

3. That conclusions or judgments were rendered and filed relative to said valuations, etc., and taxes have been extended against the said valuations, certificates relating to same having been filed with the Comptroller of the State of New Jersey.

The said companies, by the said Robert M. Clark, as their respective land and tax agent, do hereby refile said complaints and protests and do reiterate and re-offer all of the objections therein set forth as by a reference to the record thereof will more fully appear and as if the said complaints and protests were herewith reiterated and repeated in detail, and do further protest and object against the taxes which have been extended against the said valuations, etc., and certified and filed with the Comptroller of the State of New Jersey, and do further re-offer the entire record of all of the evidence introduced on the part of the State, and/or the companies in the hearing to which reference has been made as if such evidence were re-taken, re-offered or re-introduced subsequent to the filing of these supplementary complaints and protests.

And the said companies, by said Robert M. Clark as their respective Land and Tax agent, do ask for such correction, reduction, etc., in respect of said valuations and on taxes stated against same as may

appear proper, legal and equitable in the premises.

THE WEST SHORE RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

THE NEW JERSEY JUNCTION RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

THE NEW YORK AND FORT LEE RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

Dated, June 17, 1922.

County of New York, ss:
State of New York,

Robert M. Clark, of full age, being duly sworn upon his oath according to law, deposes and says: That he is the Land and Tax Agent of the West Shore Railroad Company, the New Jersey Junction Railroad Company, and the New York and Fort Lee Railroad Company, respectively, the complainants named in the foregoing supplementary complaint and protest for and on whose behalf said supplementary complaint and protest has been prepared and is about to be filed; that as such Land and Tax agent as above described, deponent has jurisdiction over the property of said

complainants located and situated in the State of New Jersey, and assessments and valuations made of and/or against and/or on account of said property, and taxes levied upon and/or against and/or on account of said property and/or all litigation arising out of same; that the deponent has read the foregoing supplementary complaint and protest and that the same is true to the best of deponent's knowledge and belief; that deponent signed the said supplementary complaint and protest for and on behalf of the said complainants as their respective Land and Tax Agent as aforesaid, as an official of the said complainants (the said complainants being corporations and acting and appearing by and through agents and attorneys and/or officials), and now makes this verification of said supplementary complaint and protest, having full power and authority so to do.

ROBERT M. CLARK.

Subscribed and sworn to before me
this 17th day of June, 1922.
Frank G. Brouson,
(Seal.) Notary Public,
Westchester County.
Certificate filed in New York County.
N. Y. County No. 310, N. Y. Register No. 4318.
My commission expires March 30, 1924.

Exhibit D.

Abstract from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit E.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Final Determination

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the New York Central Railroad System, for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922, the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of Comptroller.

STATE OF NEW JERSEY,

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the New Jersey Junction Railroad Company for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

New Jersey Junction Railroad Company

Certificate.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the New Jersey Junction Railroad Company, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the New Jersey Junction Railroad:

For Main Stem	$1,556,532.00	
For Franchise	2,400.00	$1,558,932.00
For tangible personal property necessary for and used in State Commerce		.....
Total assessable for State uses		$1,558,932.00

For real estate used for railroad purposes, other than main stem	326,317.00
Aggregate assessed valuation	$1,885,249.00
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$55,513.57
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates.....	11,820.56
Total Tax	$67,334.13

Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Reasons

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the New Jersey Junction Railroad Company, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for local uses, for the year 1922.

County.	Taxing District.	Value.	Local Tax.
Hudson	Jersey City	$186,027.00	$6,414.21
Hudson	West Hoboken, Town of	20,662.00	781.85
	Hoboken City,		
	Weehawken Addition,	72,583.00	2,991.87
	Old Hoboken,	22,451.00	938.00
	Weehawken Township	20,449.00	551.71
		$322,172.00	$11,677.64
	HARSIMUS BRANCH		
Hudson	Jersey City	$4,145.00	$142.92
	Total for Road	$326,317.00	$11,820.56

Reasons.

Filed September 30, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

NEW JERSEY JUNCTION RAILROAD COMPANY, a corporation, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT and NEWTON A. K. BUGBEE, Comptroller of the Treasury, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected and reviewed the valuations and assessments of taxes for the year 1922 of prosecutor's property and the proceedings thereon and final determination, certificate and report of the State Board of Taxes and Assessment in respect thereto returned with the Certiorari in this cause, and duly considered the reasons filed and heard the argument of counsel thereon, and finding no error in said valuations and assessments, the proceedings thereon and final determination, certificate and report of the State Board.

It is Ordered that said valuations and assessments of taxes as fixed and determined by the judgment of said State Board of Taxes and Assessment be in all things affirmed with costs.

Entered January 18th, 1924.

On motion of

EDWARD P. STOUT,
Attorney for Defendants.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Writ of Certiorari.

Allowed September 2, 1922;
Returnable September 22, 1922.

New Jersey, ss.

(Seal) The State Board of New Jersey to the State Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

We being willing for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey, entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April 10th, 1884," which revising and amending act was approved March 27th, 1888, and the amendments thereof and supplements thereto, on certain property of the New York & Fort Lee Railroad Company, a corporation, enumerated as follows:

Description	Area in Acres	Assessed Value for 1922
From Clifton Road running south	2.502	$100,000
Weehawken Line north to N. Y. O. & W. R. R. Property	9.970	398,800

Do Command You that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint

or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you or any of you or under your control, you certify and send to the Justices of our Supreme Court at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to laws and Constitution of this State ought to be done.

Witness, William S. Gummere, Esq., Chief Justice, at Trenton this fifth day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

Wall, Haight, Carey & Hartpence,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey used for railroad purposes, which taxes, so far as they are based upon the property described in this writ, shall be upon the values for 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

NEW JERSEY SUPREME COURT.

NEW YORK & FORT LEE RAILROAD COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, COMPTROLLER OF THE TREASURY, AND THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justice of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorair hereto attached, and for its return thereto, does certify as follows:

1. That pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the New York & Fort Lee Railroad Company, the within-named prosecutor, used for railroad purposes.

2. That pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax and that it would meet on a date fixed, at the State House, in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint or complaints specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Complaint and Protest.

Exhibit C. Additional Complaint and Protest.

Exhibit D. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit E. Minority Statement on Final Determination.

Exhibit F. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,

FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessments on Main Stem.

New York & Fort Lee Railroad Company.

Main Stem—Assessment 1922

Description of Property	Area	Assessed Values
From Clifton Road running south	2.502 acres	$100,080
Weehawken line north to N. Y. O. & W. R. R. property	9.970 acres	398,800

Exhibit B.

Complaint

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property of the NEW YORK AND FORT LEE RAILROAD COMPANY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey:

Gentlemen:

The New York and Fort Lee Railroad Company, a corporation duly organized and existing under and by virtue of the Laws of the State of New Jersey, by Robert M. Clark, as its Land and Tax Agent, who has an office at number Four hundred sixty-six Lexington Avenue, in the Borough of Manhattan, City, County and State of New York, respectfully shows that is aggrieved by the valuations placed by your Honorable Board upon its property, located and situated in the State of New Jersey, and used for railroad purposes, for assessment and taxation purposes for the year 1922, and specifies its grievances as follows:

1. The valuations of said property and of each class thereof, for assessment and taxation purposes for said year are in excess of the true value of the property.

2. The principals upon which said valuations were made are erroneous, improper and illegal

3. Said valuations include property not used for railroad purposes, and which is not subject to valuation by your Honorable Board for assessment and taxation purposes.

4. Said property was not valued for assessment and taxation purposes for said year under general laws and by uniform rules, and therefore, said valuations are in violation of the provisions of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem), located and situated in various and respective taxing districts of the said State of New Jersey, are at a rate in excess of the rate of assessment and valuation upon property of like character and similarly located and situated, and are not in the same relative proportion or ratio of true value as that by which other property in the same various and respective taxing districts was or will be assessed or valued, and are in excess of and disproportionate to the assessments and valuations placed upon the property of other owners in said various and respective taxing districts, and by reason thereof the said The New York and Fort Lee Railroad Company is denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the

Laws of 1921, are unconstitutional in that they cause taxes to be levied upon the complainant and its property with no opportunity for the complainant to be heard in respect thereof, thereby depriving the complainant of its property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to the complainant the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon the complainant and its property with no opportunity for the complainant to be heard in respect thereof, while owners of other property who contribute to and assume the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, excessive, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional.

The rates of taxation to be applied to the said valuations of said property and of each class thereof, for assessment and taxation purposes for the year 1922, have not been determined, and the said The New York and Fort Lee Railroad Company being without remedy in respect thereof at this time, reserves its right to object to and complain against the said rates of taxation which may or will be applied to said valuations for the purpose of determining the

taxes on said property for the year 1922, after the said rates of taxation have been determined.

The taxes on said property for the year 1922 have not been determined and the said The New York and Fort Lee Railroad Company being without remedy in respect thereof at this time, reserves its right to object to and complain against said taxes after the same have been determined.

The said The New York and Fort Lee Railroad Company complains against said valuations for the reasons hereinbefore set forth, and requests your Honorable Board to review and correct the same, and to give it such other and further relief as may be proper and equitable in the premises.

THE NEW YORK AND FORT
LEE RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

Dated, November 19, 1921.

State of New York,
County of New York, ss:

Robert M. Clark, of full age, being duly sworn, upon his oath, according to law, deposes and says: That he is the Land and Tax Agent of the New York and Fort Lee Railroad Company, complainant named in the foregoing complaint and protest, for and on whose behalf said complaint and protest has been prepared and is about to be filed; that as such Land and Tax Agent as above described, deponent has

jurisdiction over all of the property of the said complainant located and situated in the State of New Jersey and assessments and valuations made of and/or against and/or on account of said property and taxes levied upon and/or against and/or on account of said property and /or all litigation arising out of same; that the deponent has read the foregoing complaint and protest; that said complaint and protest is true to the best of deponent's knowledge and belief; that deponent signed the said complaint and protest for and on behalf of the said complainant, as Land and Tax Agent as aforesaid, of said complainant, as an official of said complainant (the said corporation being a corporation, as stated in said complaint and protest, and acting and appearing by and through its agents, attorneys and/or officials), and now makes this verification of said complaint and protest, having full power and authority so to do.

ROBERT M. CLARK.

Subscribed and sworn to before me
this 19th day of November, 1921.
Frank G. Brouson,
Notary Public,
(Seal) Westchester County.
Certificate filed in New York County.
N. Y. Co. No. 200, N. Y. Register No. 2150.
My commission expires March 30, 1922.

Return of State Board of Taxes & Assessment

Exhibit C.

Supplemental Complaint

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property of the WEST SHORE RAILROAD COMPANY, a corporation, THE NEW JERSEY JUNCTION RAILROAD, a corporation, and THE NEW YORK AND FORT LEE RAILROAD COMPANY, a corporation, respectively for the year 1922.	Supplementary Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey.

The West Shore Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of New Jersey and New York, respectively, and the New Jersey Junction Railroad Company, a corporation duly organized and existing under and by virtue of the laws of the State of New Jersey, and the New York and Fort Lee Railroad Company, a corporation existing under and by virtue of the laws of the State of New Jersey, each by Robert M. Clark, as its respective land and tax agent, who has an office at number Four hundred sixty-six Lexington Avenue, in the Borough of Manhattan, City, County and State of New York, respectfully shows:

1. That each of said companies has heretobefore filed to wit, on November 21st, 1921, complaints and protests against the valuations of its respective properties for assessment and taxation purposes.

2. That hearings were had before your Honorable Board in respect to said valuations and the complaints and protests filed thereto.

3. That conclusions or judgments were rendered and filed relative to said valuations, etc., and taxes have been extended against said valuations, etc., and tificates relating to same having been filed with the Comptroller of the State of New Jersey.

The said Companies, by the said Robert M. Clark as their respective Land and Tax Agent, do hereby re-file said complaints and protests and do reiterate and re-offer all of the objections therein set forth as by a reference to the record thereof will more fully appear and as if the said complaints and protests were herewith reiterated and repeated in detail, and do further protest and object against the taxes which have been exteded against said valuations, etc., and certified and filed with the Comptroller of the State of New Jersey, and do further re-offer the entire record of all of the evidence introduced on the part of the State, and/or the Companies in the hearings to which reference has been made as if such evidences were re-taken, re-offered or re-introduced subsequent to the filing of these supplementary complaints and protests.

And the said companies by the said Robert M. Clark, as their respective Land and Tax Agent, do ask for such correction, reduction, etc., in respect of

said valuations and on taxes stated against same as may appear proper, legal and equitable in the premises.

THE WEST SHORE RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

THE NEW JERSEY JUNCTION RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

THE NEW YORK & FORT LEE RAILROAD COMPANY,
By ROBERT M. CLARK,
As its Land and Tax Agent.

Dated, June 17, 1922.

State of New York,
County of New York, ss:

Robert M. Clark, of full age, being duly sworn upon his oath, according to law, deposes and says: That he is the Land and Tax Agent of the West Shore Railroad Company, the New Jersey Junction Railroad Company, and the New York and Fort Lee Railroad Company, respectively, the complainants named in the foregoing supplementary complaint and protest has been prepared and is about to be filed; that as such Land and Tax Agent as above described, deponent has jurisdiction over the property of said complainants located and situated in the State of New Jersey and assessments and valuations made of and/or

against and/or on account of said property, and taxes levied upon and/or against and/or on account of said property and/or all litigation arising out of same; that the deponent has read the foregoing supplementary complaint and protest and that the same is true to the best of deponent's knowledge and belief; that deponent signed the said supplementary complaint and protest for and on behalf of the said complainants as their respective Land and Tax Agent as aforesaid, as an official of the said complainants (the said complainants being corporations and acting and appearing by and through agents and attorneys and/or officials) and now makes this verification of said supplementary complaint and protest, having full power and authority so to do.

ROBERT M. CLARK.

Subscribed and sworn to before me this
17th day of June, 1922.
Frank G. Brouson,
Notary Public,
Westchester County.
(Seal)
Certificate filed in New York County.
N. Y. County No. 310.
N. Y. Register No. 4318.
My commission expires March 30, 1924.

Exhibit D.

Abstracts from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit E.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

FINAL DETERMINATION.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and Eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the New York Central Railroad System for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of Comptroller.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the New York & Fort Lee Railroad Company for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the New York & Fort Lee Railroad Company, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the New York & Fort Lee Railroad:

For Main Stem	$562,805.00	
For Franchise	1,000.00	$563,805.00
For tangible personal property necessary for and used in State commerce		
Total assessable for State uses		$563,805.00

Reasons

For real estate used for railroad purposes, other than main stem		
Aggregate assessed valuation	$563,805.00	
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$20,077.10	10
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates		
Total Tax	$20,077.10	

Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Reasons.

Filed September 30, 1923.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

NEW YORK AND FORT LEE RAILROAD COMPANY, a corporation, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT, and NEWTON A. K. BUGBEE, Comptroller of the Treasury, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected and reviewed the valuations and assessments of taxes for the year 1922 of prosecutor's property and the proceedings thereon and final determination, certificate and report of the State Board of Taxes and Assessment in respect thereto returned with the Certiorari in this cause, and duly considered the reasons filed and heard the argument of counsel thereon, and finding no error in said valuations and assessments, the proceedings thereon and final determination, certificate and report of the State Board,

It is Ordered that said valuations and assessments of taxes as fixed and determined by the judgment of said State Board of Taxes and Assessment be in all things affirmed with costs.

Entered January 18th, 1924.

On motion of

EDWARD P. STOUT,
Attorney for Defendants.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Writ of Certiorari

(Central R. R. of N. J.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

New Jersey, ss:

The State of New Jersey to the State (Seal) Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revising and amending act was approved March 27, 1888, and the amendments thereof and supplements thereto on certain property of the Central Railroad Company of New Jersey, a corporation, enumerated as follows:

Description of Property	Area in Acres	Assessed Values for the year 1922
Main Stem—Jersey City, Hudson County		
From exterior line for solid fill at Hudson River to 160' West of Van Vorst Street produced	5.464	$355,160

New York & Fort Lee Railroad

	Description of Property	Area in Acres	Assessed Values for the year 1922
10	From 160′ west of Van Vorst St. produced to center line of Jersey Ave.	6.302	252,080

Real Estate other than Main Stem—
Jersey City, Hudson County.

20	Land outside main stem, Terminal Tract at Jersey City, tract extending from southerly line of Lehigh Valley R. R. on the north, to the northerly line of land, leased to the North River Coal & Wharf Co. on the south, and from a line about 160′ west of the west line of Van Vorst St. produced eastwardly to the exterior line for piers, exclusive of main stem, Block 2145, Plot 49, 47-A, and portion of plot 51, including value of plot 49-E, under water	97.063	6,309,095
30	Land outside main stem, extending from Phillips Street to the exterior line for piers, Block 2145, Plot 48-D, including value of Plot 48-G, under water	71.300	2,852,000
40			

Description of Property	Area in Acres	Assessed Values for the year 1922
Land outside main stem, extending from Phillips Street Branch to exterior line for piers, Block 2154, Plot 22-G, including value of Plot 22-H, under water	84.724	2,541,720
Land outside main stem, coal pier, #18, and approach extending from junction of Phillips St. Branch and Communipaw Branch, L. V. R. R. to pierhead line, being a strip of land formerly part of 22-J, 800′ wide with an average length of about 5477′	96.049	2,771,219
Land outside main stem, excess south of main stem, between a line about 160′ west of west line of Van Vorst St. produced and center line of Jersey Avenue, exclusive of land leased by the North River Coal and Wharf Company and tract south thereof, Block 2145, portion of Plot 51	28.718	1,148,720
Land outside main stem, excess north of main stem between a line about 160′ west of the west line of Van Vorst St. produced to the center line		

New Jersey State Library

Central Railroad of New Jersey

	Description of Property	Area in Acres	Assessed Values for the year 1922
	of Jersey Ave. (to the west line grant). Block 2145, Plot 50	24.613	984,520
	Land outside main stem, excess width in Block 2048, Plot H	3.120	62,400
	Land outside main stem, excess width south of main stem, Locomotive Terminal, Communipaw, Block 2048, Plot S	19.611	392,220
	Land outside main stem, excess width in Block 2154, Plot 22-D	5.610	112,200
	Land outside main stem, following parcels in Block 2145 (or ♯60) Lots 25-A and 25-D	3.986	79,720
	Main Stem—Bayonne, Hudson County.		
	Beginning at Morris Canal to center line of Center Street	3.624	54,360
	Center line of Center Street to center line of East 32nd Street	8.898	142,368
	Center line of E. 32nd St. to center line East 30th Street	1.889	30,224
	Center line E. 30th St. to E. 22nd St.	5.841	93,456
	E. 21st St. to Linnett Street	7.514	120,224
	Linnett St. to Avenue D	.851	13,616

Description of Property	Area in Acres	Assessed Values for the year 1922
Avenue C to Hudson County Public Road	2.495	37,425
Constable Hook Branch		
Beginning to Highway	7.504	150,080
Highway to end of line	4.580	91,600
Port Johnston Spur.		
From point 2000′ back of pierhead line to end of Main Stem bulkhead line, riparian rights, frontage, Kill von Kull 100 ft.	4.028	120,840
Real Estate other than Main Stem— Bayonne, Hudson County. Port Johnston Spur.		
Land outside Main Stem, excess east and west of Main Stem between pierhead line and a point 2,000′ back of pierhead line	19.342	580,260

Do Command You that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to

said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you, or any of you, or under your control, you certify and send to the Justices of our Supreme Court, at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and Constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this second day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

Collins & Corbin,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey, used for railroad purposes, which taxes, so far as they are based upon the property described in this writ shall be upon the values thereof for assessment for the year 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

Filed September 22, 1922.

NEW JERSEY SUPREME COURT.

CENTRAL RAILROAD COMPANY OF NEW JERSEY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, COMPTROLLER OF THE TREASURY, AND THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the Central Railroad Company of

New Jersey, the within-named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House, in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment 1922.

Exhibit B. Items complained of in Second Class Property Assessment 1922.

Exhibit C. Complaint and Protest.

Exhibit D. Additional Complaint and Protest.

Exhibit E. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit F. Minority Statement on Final Determination.

Exhibit G. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,

FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

40 30 20 10

Exhibit A.

ASSESSMENTS ON MAIN STEM.

Central Railroad Company of New Jersey.
Taxing District of Jersey City, County of Hudson.
(Main Stem—Assessment 1922)

Description of Property	Area	Assessed Values
From exterior line for solid fill at Hudson River to 160′ west of Van Vorst Street produced	5.464 acres,	$355,160
From 160′ west of Van Vorst Street, produced to center line of Jersey Avenue.,	6.302 acres,	252,080
Taxing District of BAYONNE CITY, County of HUDSON.		
Beginning at Morris Canal to center line of Center Street,	3.624 acres,	54,360
Center line of Center Street to center line of East 32d Street,	8.898 acres,	142,368
Center line of East 32d Street to center line East 30th Street,	1.889 acres,	30,224
Center line East 30th Street to East 22d Street,	5.841 acres,	93,456
East 21st Street to Linnett Street,	7.514 acres,	120,224
Linnett Street to Avenue D,	.851 acre,	13,616
Avenue C to Hudson County Public Road,	2.495 acres,	37,425
CONSTABLE HOOK BRANCH	7.504 acres,	150,080
Beginning to Highway,	4.359 acres,	87,180
*Highway to end of line,	**4.580** acres,	**91,600**
PORT JOHNSTON SPUR		
From point 2,000′ back of pierhead line to end of Main Stem bulkhead line, riparian rights, frontage, Kill von Kull, 100 ft.,	4.028 acres,	120,840

*Reduced on appeal.

Figures in bold face type have been erased.

Exhibit B.

ASSESSMENTS ON SECOND CLASS PROPERTY.

Central Railroad of New Jersey

Taxing District of Jersey City, County of Hudson.

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, Terminal Tract at Jersey City, tract extending from southerly line of Lehigh Valley R. R. on the north, to the northerly line of land, leased to the North River Coal and Wharf Company on the south, and from a line about 160′ west of the west line of Van Vorst St., produced eastwardly to the exterior line for piers, exclusive of main stem, Block 2145, Plot 49, 47-A, and portion of Plot 51, including value of Plot 49-E, under water.	97.063 Ac.	$6,309,095.00			
Land outside main stem, extending from Phillips Street to the exterior line for piers, Block 2145, Plot 48-D including value of Plot 48-G, under water.	71.300 Ac.	2,852,000.00			
Land outside main stem, extending from Phillips Street Branch to exterior line for piers, Block 2154, Plot 22-G, including value of Plot 22-H, under water.	84.724 Ac.	2,541,720.00			
Land outside main stem, coal pier #18 and approach extending from Junction of Phillips St. Branch and Communipaw Branch, L. V. R. R. to pierhead line, being a strip of land, formerly part of 22J, 800′ wide with an average length of about 5477′.	96.049 Ac.	2,401,225.00			

10 20 30 40

40 Description of Property	30	20 Value	Total Value	10 Local Tax Rate	Tax for Taxing District
Land outside main stem, excess south of main stem, between a line about 160′ west of west line of Van Vorst St. produced and center line of Jersey Avenue, exclusive of land leased by the North River Coal and Wharf Company and tract south thereof, Block 2145, portion of Plot 51.	28.718 Ac.	1,148,720.00			
Land outside main stem, excess north of main stem between a line about 160′ west of the west line of Van Vorst St. produced to the center line of Jersey Avenue (to the west line grant), Block 2145, Plot 50.	24.613 Ac.	984,520.00			
Land outside main stem, excess width in Block 2048, Plot H.	3.120 Ac.	62,400.00			
Land outside main stem, excess width south of main stem, Locomotive Terminal, Communipaw, Block 2048, Plot S.	19.611 Ac.	392,220.00			
* * * * * *					
Land outside main stem excess width in Block 2154, Plot 22-D.	5.610 Ac.	112,200.00			
* * * * * *					
Land outside main stem, following parcels in Block No. 2145 (or No. 60), Lots 25-A and 25-D	3.986 Ac.	79,720.00			
			$25,849,199.00		$891,280.38
Total for Jersey City			**$25,878,905.00**	$3.448	**$892,304.64**

(Figures in bold face type were erased.)

Exhibit C.

Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of the property of the CENTRAL RAILROAD COMPANY OF NEW JRSEY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment, Trenton, New Jersey.

Gentlemen:

The Central Railroad Company of New Jersey, a corporation, is aggrieved by the valuation of its property in the State of New Jersey, used for railroad purposes, for assessment for the year 1922, and specified its grievances as follows:

1. The valuation of said property, and of each class thereof, for assessment for said year are in excess of the true value of the property.

2. The principles upon which said valuation were made are erroneous.

3. Said valuations include property not used for railroad purposes.

4. Said property was not valued for assessment for said year under general laws and by uniform rules,

and, therefore, said valuations are in violation of the provisions of paragraph 12, of Section VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem) situated in the respective taxing districts, are at a rate in excess of the rate of assessment upon property of like character and similarly situated, and are not in the same relative proportion of true value as that by which other property in the same taxing district was assessed, and are in excess of and disproportionate to the assessments placed upon the property of other owners in said taxing district, and by reason thereof the company is denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon said company and its property with no opportunity for said company to be heard in respect thereof, thereby depriving said company of its property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to said company the equal protection of the laws in violation of the Fourteenth Amendment to the Con-

stitution of the United States, because they cause taxes to be levied upon said company and its property with no opportunity for said company to be heard in respect thereof while the owners of other property who contribute to the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional.

The taxes on said property for the year 1922 have not been determined and said company being without remedy in respect thereof, at this time, reserves its right to object to and complain against said taxes after the same have been determined.

Said company complains against said valuations for the reason hereinbefore set forth and requests your Honorable Board to review and correct the same.

THE CENTRAL RAILROAD
COMPANY OF NEW JERSEY,
By L. W. NEWCOMB,
Real Estate & Tax Agent.

Dated: November 15, 1921.

State of New York,
County of New York, ss:

L. W. Newcomb, of full age, being duly sworn according to law, on his oath says that he is the Real Estate & Tax Agent of The Central Railroad Company of New Jersey, named in the foregoing complaint and protest, and that the matters stated therein are true to the best of his knowledge and belief.

L. W. NEWCOMB.

Sworn and subscribed before me this
15th day of November, 1921.
Edward W. Conover,
Foreign Commissioner of Deeds
for New Jersey, in New York.

(Seal)

Exhibit D.

Additional Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property used for railroad purposes, of the several companies constituting the CENTRAL RAILROAD OF NEW JERSEY System, for taxes payable in the year 1922.	Additional Complaint.

To the State Board of Taxes and Assessment:

The Central Railroad Company of New Jersey; Dover and Rockaway Railroad Company; Hibernia Mine Railroad Company; New York and Long Branch Railroad Company; and Ogden Mine Railroad Company again complain against the valuations of their respective properties in the State of New Jersey, used for railroad purposes, for taxation in the year 1922, for the reasons stated in the complaint in writing heretofore filed by each of them against the same; and complain against the assessments thereof and taxes thereon for said year for the same reasons, and also because said assessments were made and said taxes levied by and upon erroneous and unlawful principles, and are excessive, erroneous, wrongful, unconstitutional, unlaw and illegal. Said companies, respectively, request your Honorable Board to review and correct said valuations, assessments and taxes upon the testimony and evidence heretofore

produced by them, and each of them, upon the hearing by you of their said complaints against said valuations.

Dated, June 16, 1922.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY,
DOVER AND ROCKAWAY RAILROAD COMPANY,
THE HIBERNIA MINE RAILROAD COMPANY,
NEW YORK AND LONG BRANCH RAILROAD COMPANY,
OGDEN MINE RAILROAD COMPANY,

By L. M. HANNAFORD,
Asst. Real Estate and Tax Agent.

State of New York,
County of New York, ss:

L. M. Hannaford, of full age, being duly sworn according to law, on his oath says that he is the Assistant Real Estate and Tax Agent of each of the companies named in the foregoing complaint; that he has charge of all matters of assessment and taxation of their respective properties used for railroad purposes in the State of New Jersey; and that the said complaint is true to the best of his knowledge and belief.

L. M. HANNAFORD.

Sworn and subscribed to at New York City, N. Y., this 16th day of June, 1922, before me the subscriber, a Notary Public, in and for said County and State, duly commissioned and sworn as witness my hand and official seal.

(Seal) Frederick B. Blackman,
Notary Public, Kings County, No. 330.
Certificate filed in New York County No. 145.
Kings Co. Reg. No. 3006.
N. Y. Co. Reg. 3166.
Commission expires March 30, 1923.

Exhibit E.

Abstracts from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit G.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Central Railroad of New Jersey System, for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as herein before made and certified to you on the first Monday in June, 1922.

Return of State Comptroller

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT;

James Baker, President
Frank B. Jess
Harry W. Mutchler
M. R. Margerum
Isaac Barber

Return of Comptroller.

Filed September 22, 1922.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the Central Railroad Company of New Jersey, for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the Central Railroad Company of New Jersey, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year, 1922.

Assessed valuation of the Central Railroad Company of New Jersey:

	$25,740,128.00	
For Main Stem	*$25,761,672.00*	$28,836,128.00
		$28,857,672.00
For Franchise	3,096,000.00	19,122,862.00
		19,130,568,00

For tangible personal property necessary for and used in State Commerce	
Total assessable for State uses	$47,958,990.00 *$47,988,240.00*
For real estate used for railroad purposes, other than main stem	35,575,144.00 *35,712,019.00*
Aggregate assessed valuation	$83,534,134,00 *$83,700,259.00*
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$1,707,819.63 *$1,708,861.23*
Tax for uses of taxing districts on real estate used for railroad purposes other than main stem, at local rates	1,221,164.73 *1,225,803.21*
Total Tax	$2,928,984.36 *$2,934,664.44*

(Figures in Italics were erased.)

Received May 29, 1922.

Revised Return July 25, 1922.

STATE BOARD OF TAXES AND ASSESSMENT.

James Baker, President
Frank B. Jess
Harry W. Mutchler
M. R. Margerum
Isaac Barber

Central Railroad of New Jersey

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the Central Railroad Company of New Jersey, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

County	Taxing District	Value	Local Tax
		$25,849,199.00	$891,280.38
Hudson	Jersey City	**$25,878,905.00**	**$892,304.64**
		1,471,499.00	45,778.33
	Bayonne City	**1,502,233.00**	**46,734.47**
		3,833,279.00	121,898.27
Union	Elizabeth City	**3,855,006.00**	**122,589.19**
	Roselle Borough	22,769.00	683.07
		31,483.00	906.71
	Roselle Park Borough	**31,723.00**	**913.62**
	Cranford Township	201,301.00	6,562.41
		38,199.00	1,061.93
	Garwood Borough	**41,245.00**	**1,146.61**
		108,828.00	3,460.73
	Westfield, Town of	**111,558.00**	**3,547.54**
		31,915.00	1,161.71
	Fanwood Borough	**32,648.00**	**1,188.39**
		268,107.00	7,587.43
	Plainfield City	**268,807.00**	**7,607.24**
		74,978.00	3,546.46
Middlesex	Dunellen Borough	**77,360.00**	**3,659.13**
	Middlesex Borough	15,009.00	460.78
		107,773.00	4,310.92
Somerset	Bound Brook Borough	**108,095.00**	**4,323.80**
	Bridgewater Township		
	$38,272.00 $884.08	48,478.00	1,182.10
	Raritan Corporation		
	10,453.00 305.23	**48,725.00**	**1,189.31**
	10,206.00 298.02		
	Hillsborough Township	46,376.00	1,395.92
	Somerville Borough	65,779.00	2,558.80
	Branchburg Township	6,669.00	181.40
Hunterdon	Readington Township	13,646.00	634.54
	Clinton Township	12,679.00	485.75
	High Bridge Borough	20,256	830.50
	Lebanon Township	280.00	11.03
	Glen Gardner Borough	3,695.00	144.84
		22,275.00	721.71

County	Taxing District	Value	Local Tax
	Hampton Borough	**$24,589.00**	**$796.68**
	Bethlehem Township	5,666.00	202.28
		8,728.00	344.76
	Bloomsbury Borough	**9,212.00**	**363.87**
Warren	Greenwich Township	2,461.00	76.29
	Pohatcong Township	2,601.00	79.07
		16,946.00	584.64
	Alpha Borough	**18,779.00**	**647.88**
	Phillipsburg, Town of	229,003.00	8,175.41
	Total Main Line	**$32,657,075.00**	**$1,109,494.46**
		$32,559,877.00	$1,106,308.17

BRANCHES

BUENA VISTA BRANCH

Cumberland	Greenwich Township	$8,148.00	$351.18

CARTERET EXTENSION BRANCH

Middlesex	Roosevelt Borough	6,517.00	243.74

CARTERET & SEWAREN BRANCH

Middlesex	Roosevelt Borough	430.00	16.08

NEWARK & NEW YORK BRANCH

		146,626.00	5,055.66
Hudson	Jersey City	**147,896.00**	**5,099.45**
	Kearney, Town of	64,203.00	2,139.24
		1,228,771.00	46,447.54
Essex	Newark City	**1,244,500.00**	**47,042.10**
		$1,445,429.00	**$54,280.79**
		$1,439,060.00	$53,642.44

PASSAIC RIVER EXTENSION BRANCH

Essex	Newark City	$300.00	$11.34

MANUFACTURERS' BRANCH

		55,294.00	2,090.11
Essex	Newark City	**56,596.00**	**2,139.33**

Central Railroad of New Jersey

	County	Taxing District	Value	Local Tax
		ELIZABETH & PERTH AMBOY BRANCH		
			$56,152.00	$1,785.63
	Union	Elizabeth City	**$56,800.00**	**$1,806.24**
		Linden Township	54,803.00	991.93
	Middlesex	Woodbridge Township	12,903.00	672.47
		Roosevelt Borough	13,586.00	508.12
			76,579.00	3,346.50
10		Perth Amboy City	**78,826.00**	**3,444.70**
			$216,918.00	**$7,423.46**
			$214,023.00	$7,304.65
		NEWARK & ELIZABETH BRANCH		
			$339,474.00	$12,832.12
	Essex	Newark City	**$339,545.00**	**$12,834.80**
	Union	Elizabeth City	17,532.00	557.52
			$357,077.00	**$13,392.32**
			$357,006.00	$13,389.64
		CONSTABLE'S HOOK BRANCH		
20	Hudson	Bayonne City	$12,104.00	$376.56
		SOUTH BRANCH		
	Somerset	Somerville Borough	$6,782.00	$263.82
		Hillsborough Township	1,624.00	48.88
		Branchburg Township	4,547.00	123.68
	Hunterdon	Readington Township	5,859.00	272.44
		Raritan Township	569.00	22.08
		Flemington Borough	17,942.00	732.03
			$37,323.00	$1,462.93
		HIGHBRIDGE BRANCH		
30	Hunterdon	Highbridge Borough	$502.00	$20.58
		Lebanon Township	211.00	8.31
		Califon Borough	3,210.00	142.52
		Tewkesbury Township	7,970.00	282.94
	Morris	Washington Township	6,138.00	299.41
			$18,031.00	$753.76
		MOUNT OLIVE BRANCH		
	Morris	Washington Township	$364.00	$16.99
		CHESTER HILL BRANCH		
40	Morris	Chester Township	$570.00	$22.90

County	Taxing District	Value	Local Tax
	LONGWOOD VALLEY BRANCH		
Morris	Mount Olive Township	$2,578.00	$85.85
	Roxbury Township	5,177.00	211.74
	Wharton Borough	3,760.00	254.18
		$11,515.00	$551.77
	LAKE HOPATCONG BRANCH		
Morris	Roxbury Township	$791.00	$32.35
	Jefferson Township	1,613.00	44.68
		$2,404.00	$77.03
	CUMBERLAND & MAURICE RIVER BRANCH		
		$3,322.00	$124.67
Cumberland	Bridgeton City	**$3,452.00**	**$129.55**
		2,353.00	97.60
	Fairfield Township	**$2,456.00**	**101.87**
		3,604.00	124.73
	Lawrence Township	**3,691.00**	**127.75**
	Downe Township	2,229.00	104.38
	Commercial Township	54,737.00	2,657.14
		$66,565.00	**$3,120.69**
		$66,245.00	$3,108.52
	CUMBERLAND & MAURICE RIVER EXTENSION BRANCH		
		$5,170.00	$194.03
Cumberland	Bridgeton City	**$5,250.00**	**$197.03**
	ELIZABETH EXTENSION BRANCH		
Union	Elizabeth City	434.00	13.80
	FREEHOLD & ATLANTIC HIGHLANDS BRANCH		
Monmouth	Freehold Borough	25,183.00	$959.47
		1,725.00	43.47
	Freehold Township	**1,749.00**	**44.07**
		11,478.00	303.02
	Marlboro Township	**19,512.00**	**515.12**
	Matawan Borough	124.00	4.98
	Matawan Township	4,545.00	188.16
	Keyport Borough	5,941.00	248.33
	Raritan Township	1,648.00	68.72
	Keansburg Borough	5,116.00	230.73
	Middletown Township	6,645.00	263.81
	Atlantic Highlands Borough	7,295.00	301.28
	Keyport Borough	2,010.00	84.02

County	Taxing District	Value	Local Tax
	Atlantic Highlands Borough	$40.00	$1.65
	Middletown Township	236.00	9.37
	Total for Freehold & Atlantic Highlands Branch	**$80,044.00**	**$2,919.71**
		$71,986.00	$2,707.01
	LAFAYETTE BRANCH		
Hudson	Jersey City	$96,483.00	$3,326.73
	MANUFACTURERS' EXTENSION BRANCH		
Essex	Newark City	$3,900.00	$147.42
	MIDDLE BROOK BRANCH		
Somerset	Bridgewater Township	$3,160.00	$73.00
	NAVESINK BRANCH		
Monmouth	Atlantic Highlands Borough	$121,631.00	$5,023.36
		12,086.00	484.65
	Highlands Borough	**12,476.00**	**500.29**
	Seabright Borough	3,510.00	130.32
	(FREEHOLD & ATLANTIC HIGHLANDS BRANCH)		
	Atlantic Highlands Borough	15,022.00	620.41
		$152,639.00	**$6,274.28**
		$152,249.00	$6,258.64
	NEW JERSEY SOUTHERN RAILWAY BRANCH		
Monmouth	Middletown Township	$349.00	$13.86
		27,346.00	1,230.57
	Red Bank Borough	**27,871.00**	**1,254.20**
	Shrewsbury Township	1,105.00	31.05
	Eatontown Township	2,148.00	96.23
	Wall Township	285.00	9.26
	Howell Township	3,775.00	127.60
	Farmingdale Borough	502.00	16.52
Ocean	Lakewood Township	48,424.00	1,902.38
	Jackson Township	1,210.00	51.00
	Dover Township	185.00	8.01
	Manchester Township	2,165.00	94.98
		35,681.00	1,559.26
	Lakehurst Borough	**36,947.00**	**1,614.58**

County	Taxing District	Value	Local Tax
Burlington	Woodland Township	$2,005.00	$79.20
	Tabernacle Township	95.00	4.04
	Shamong Township	590.00	32.51
	(LONG BRANCH & SEASHORE DIVISION BRANCH)		
Monmouth	Long Branch City	20,611.00	913.07
		14,899.00	713.66
	Monmouth Beach Borough	**14,966.00**	**716.87**
		81,487.00	3,023.17
	Sea Bright Borough	**81,735.00**	**3,032.37**
	(EAST LONG BRANCH & EATONTOWN BRANCH)		
Monmouth	Long Branch City	$10,698.00	$473.92
	Oceanport Borough	1,030.00	30.90
		6,263.00	280.58
	Eatontown Township	**6,648.00**	**297.83**
		$263,344.00	**$10,800.38**
		$260,853.00	$10,691.77
	NEW JERSEY TERMINAL BRANCH		
Middlesex	Woodbridge Township	$50.00	$ 2.66
		17,297.00	646.91
	Roosevelt Borough	**$17,429.00**	**651.84**
		$17,479.00	**$54.50**
		17,347.00	$649.57
	RARITAN NORTH SHORE BRANCH		
Middlesex	Perth Amboy City	$514.00	$22.46
	Woodbridge Township	597.00	32.96
		$1,111.00	$55.42
	SOUND SHORE BRANCH		
Union	Elizabeth City	$483.00	$15.36
	Linden Township	11,184.00	202.43
Middlesex	Roosevelt Borough Branch No. 1	265.00	9.91
Union	Elizabeth City	416.00	13.23
		$12,348.00	$240.93

County	Taxing District	Value	Local Tax
	TOMS RIVER BRANCH		
Ocean	Manchester Township	$12.00	.53
	Dover Township	35.00	1.52
	Berkley Township	6,227.00	227.41
		$6,274.00	$229.46
	TOMS RIVER & BARNEGAT BRANCH		
Ocean	Berkeley Township	$1,826.00	$66.69
	Lacey Township	3,443.00	108.49
	Ocean Township	1,690.00	49.35
	Union Township	10,215.00	475.20
		$7,174.00	$699.73
	VINELAND BRANCH		
Burlington	Shamong Township	$415.00	$22.87
Atlantic	Buena Vista Township	8,671.00	484.71
Camden	Waterford Township	167.00	7.63
		4,208.00	170.84
	Winslow Township	**9,011.00**	**365.85**
Salem	Pittsgrove Township	1,640.00	66.26
Cumberland	Landis Township	5,945.00	267.75
	Vineland Borough	46,545.00	2,403.58
		5,959.00	244.91
	Deerfield Township	**6,517.00**	**267.85**
	Bridgeton City	5,811.00	218.09
	Hopewell Township	147.00	5.70
		5,989.00	258.13
	Greenwich Township	**7,464.00**	**321.70**
	(Branch to Bridgeton Station.)		
	Bridgeton City	32,543.00	1,221.34
		$118,040.00	$5,371.81
		$124,876.00	**$5,653.33**
	VINELAND BRANCH RAILROAD BRANCH		
Cumberland	Hopewell Township	$959.00	$37.21
	Bridgeton City	3,388.00	127.15
		$4,347.00	$164.36
	WEST END BRANCH		
		$11,476.00	$508.39
Monmouth	Long Branch City	**$11,579.00**	**$512.95**

Reasons

County	Taxing District	Value	Local Tax
	WEST SIDE CONNECTING BRANCH		
Hudson	Jersey City	$3,041.00	$104.85
	Total Main Line & Branches	**$35,712,019.00**	**$1,225,803.21**
		$35,575,144.00	$1,221,164.73

(Figures in bold face type were erased.)

Reasons.

Filed October 2, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Dec. 18th, 1923.

NEW JERSEY SUPREME COURT.

THE CENTRAL RAILROAD COMPANY OF NEW JERSEY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected the assessments of taxes payable by prosecutor in the year 1922 and the proceedings returned with the certiorari in this cause, the reasons assigned for setting the same aside, and heard the argument of counsel thereon, and considered the same; and it appearing that said assessments are in part unlawful and excessive.

It Is Ordered, that said assessments to the extent that they are based on the following described property of prosecutor at the valuations hereafter stated, be and they hereby are affirmed:

Description of Property	Area in Acres	Assessed Values for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY		
From exterior line for solid fill at Hudson River to 160′ West of Van Vorst Street, produced	5.464	$ 355,160
REAL ESTATE OTHER THAN MAIN STEM— JERSEY CITY, HUDSON COUNTY.		
Land outside main stem, Terminal Tract at Jersey City, tract extending from southerly line of Lehigh Valley R. R. on the north, to the northerly line of land leased to the North River Coal & Wharf Co. on the south, and from a line about 160′ west of the west line of Van Vorst St., produced, eastwardly to the exterior line for piers, exclusive of main stem, Block 2145, Plot 49, 47-A, and portion of Plot 51, including value of Plot 49-E, under water	97.063	6,309,095
Land outside main stem, excess width in Block 2048, Plot H	3.120	62,400
Land outside main stem, excess width south of Main stem, Locomotive Terminal, Communipaw, Block 2048, Plot S	19.611	392,220
Land outside main stem, excess width in Block 2154, Plot 22-D	5.610	112,200
Land outside main stem, following parcels in Block 2145 (or ♯60) Lots 25-A and 25-D	3.986	79,720
MAIN STEM—BAYONNE, HUDSON COUNTY.		
Beginning at Morris Canal to center line of Center Street	3.624	54,360
Center line of Center Street to center line of East 32nd Street	8.898	142,368
Center line of East 32nd Street to center line East 30th Street	1.889	30,224
Center line East 30th Street to East 22nd Street	5.841	93,456
East 21st Street to Linnett Street	7.514	120,224
Linnett Street to Avenue D	.851	13,616
Avenue C to Hudson County Public Road	2.495	37,425
Constable Hock Branch		
Beginning to Highway	7.504	150,080
Highway to end of line	4.580	91,600

Port Johnston Spur

From point 2000′ back of pierhead line to end of Main Stem bulkhead line, riparian rights, frontage, Kill von Kull 100 feet	4.028	120,840

REAL ESTATE OTHER THAN MAIN STEM—

BAYONNE, HUDSON COUNTY.

Port Johnston Spur.

Land outside main stem, excess east and west of main stem between pierhead line and a point 2,000′ back of pierhead line	19.342	580,260

And it is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment be and they hereby are reduced as hereafter stated:

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY—HUDSON COUNTY			
From 160′ west of Van Vorst St., produced to center line of Jersey Avenue	6.302	$ 252,080	$ 207,966.
REAL ESTATE OTHER THAN MAIN STEM—			
JERSEY CITY—HUDSON COUNTY.			
Land outside main stem, extending from Phillips Street to the exterior line for piers, Block 2145, Plot 48-D, including value of Plot 48-G, under water	71.300	2,852,000	1,996,400.
Land outside main stem, extending from Phillips Street Branch to exterior line for piers, Block 2154, Plot 22-G, including value of Plot 22-H, under water	84.724	2,541,720	1,694,480.

Land outside main stem, coal pier ♯18, and approach extending from junction of Phillips St. Branch and Communipaw Branch, L. V. R. R. to pierhead line, being a strip of land formerly part of 22-J, 800′ wide with an average length of about 5477′	96.049	2,401,225	1,680,857.	
Land outside main stem, excess south of main stem, between a line about 160′ west of west line of Van Vorst St., produced, and center line of Jersey Avenue, exclusive of land leased by the North River Coal and Wharf Company and Tract south thereof, Block 2145, portion of Plot 51	28.718	1,148,720	804,104.	
Land outside main stem, excess north of main stem between a line about 160′ west of the west line of Van Vorst St., produced, to the center line of Jersey Ave. (to the West Line Grant). Block 2145. Plot 50.	24.613	984,520	689,164.	

And it is Further Ordered, that said assessments be corrected in accordance herewith.

Entered December 18, 1923.

On motion of

COLLINS & CORBIN,
Attorneys of Prosecutor.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Notice of Appeal.

Served Jan. 17th, 1924.
Filed Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

CENTRAL RAILROAD COMPANY OF NEW JERSEY, a corporation, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Notice of Appeal.

To:
Collins & Corbin,
Attorneys for Prosecutor:

Take Notice, that the defendants in the above-entitled cause appeal to the New Jersey Court of Errors and Appeals from so much of the judgment entered in the New Jersey Supreme Court in said cause, as orders and adjudges as follows:

"And it is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment be and they hereby are reduced as hereafter stated:

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY			
From 160′ west of Van Vorst St., produced, to center line of Jersey Avenue	6.302	$ 252,080	$ 207,966.
REAL ESTATE OTHER THAN MAIN STEM—JERSEY CITY, HUDSON COUNTY.			
Land outside main stem, extending from Phillips Street to the exterior line for piers, Block 2145, Plot 48-D, including value of Plot 48-G under water	71.300	2,852,000	1,996,400.
Land outside main stem, extending from Phillips Street Branch to exterior line for piers, Block 2154, Plot 22-G, including value of Plot 22-H under water	84.724	2,541,720	1,694,480.
Land outside main stem, coal pier #18, and approach extending from junction of Phillips St. Branch and Communipaw Branch L. V. R. R. to pierhead line, being a strip of land formerly part of 22-J, 800′ wide with an average length of about 5477′	96.049	2,401,225	1,680,857.
Land outside main stem, excess south of main stem between a line about 160′ west of west line of Van Vorst St., produced, and center line of Jersey Avenue, exclusive of land leased by the North River Coal and Wharf Company and tract south thereof, Block 2145, portion of Plot 51	28.718	1,148,720	804,104.

Land outside main stem, excess north of main stem between a line about 160' west of the west line of Van Vorst St., produced, to the center line of Jersey Avenue (to the West line Grant). Block 2145, Plot 50	24.613	984,520	689,164.

And it is Further Ordered, that said assessments be corrected in accordance herewith."

on the following grounds:

1. The assessed valuation of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by prosecutor's experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided Board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and prosecutor having failed to show that said assessments were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess, the Supreme Court therefore should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determination of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

EDWARD P. STOUT,
Attorney for Defendants-Appellants.

Lond Dock Company

(Erie R. R. System—Long Dock R. R.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

New Jersey, ss:

The State of New Jersey to the State Board of Taxes and assessment and Newton A. K. Bugbee, Comptroller of the Treasury, Greeting:

(Seal.)

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revising and amending act was approved March 27, 1888, and the amendments thereof and supplements thereto, on certain property of the Long Dock Company, a corporation, enumerated as follows:

Description of Property	Area in Acres	Assessed Values for the year 1922.
MAIN STEM—JERSEY CITY, HUDSON COUNTY.		
Solid fill line to Henderson St.	6.257	$ 563,130
Grove St. to Henderson St.	0.924	99,792

REAL ESTATE OTHER THAN MAIN STEM—
JERSEY CITY, HUDSON COUNTY.

Description of Property	Area in Acres	Assessed Values for the year 1922.
MAIN LINE		
Land outside main stem; Tract used for terminal purposes, bounded as follows: Beginning at a point in the southerly line of Pavonia Avenue 108 feet east of Provost Street; thence easterly along the southerly line of Pavonia Avenue to the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point 272½ feet north of the center line of 7th St. produced; thence westerly parallel with and distant 272½ feet from the centre line of 7th Street, produced, to a point 1,225 feet east of the centre line of Provost Street; thence southerly parallel with and distant easterly 1,225 feet from the centre line of Provost Street to the centre line of 7th Street, produced; thence westerly along the centre line of 7th Street, produced; to a point 255 feet east of Provost Street; thence northerly to the north line of 8th Street and in the westerly face of cattle pens; thence westerly along the northerly line of 8th Street to a point 125 feet east of Provost Street; thence northerly parallel with Provost Street, and distant easterly 125 feet, 100 feet; thence northerly to the place of beginning, being Block 16, Plot B-6,	16.555	1,440,285
Land outside main stem, Terminal Tract; Beginning at a point of intersection between the easterly line of Provost Street and the centre line of 12th Street; thence easterly along the centre line of 12th Street, the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point in the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to the easterly line of Kelso Street; thence northerly along the easterly line of Kelso Street 100 feet; thence westerly parallel and distant northerly 100 feet from north line of Pavonia Avenue 85 feet; thence southerly 100 feet to the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to a point in the dividing line between lots No. 11 and No. 30, Block 150; thence northerly along the dividing between said lots to the centre line		

Description of Property	Area in Acres	Values for the year 1922.
of 9th Street; thence westerly along the centre line of 9th Street 155 feet more or less; thence southerly at right angles 30 feet to the southerly line of 9th Street; thence westerly along the southerly line of 9th Street 39 feet; thence southerly at right angles 50 feet; thence westerly at right angles 41.5 feet to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street 225 feet, more or less; thence northwesterly 45 feet more or less to the centre line of Provost Street; thence northerly along the centre line of Provost Street to a point 45 feet south of the northerly line of 11th Street; thence easterly at right angles to the centre line of Provost Street to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street to the centre line of 12th Street, the place of beginning, being Block 17, Plot A-2 (including value of land under water in front thereof)	44.296	$6,104,700
Land outside main stem, land at foot of Pavonia Avenue, 130 feet along the exterior line for solid filling from the northerly side of Pavonia Avenue southward, including the value of land under water,	2.816	$ 253,440
Land outside main stem, beginning at a point in the exterior line for solid filling 130 feet south of the northerly line of Pavonia Avenue; thence easterly to the exterior line for piers; thence southerly along the exterior line for piers to a point 272½ feet north of the centre line of 7th Street produced; thence westerly parallel with and distant northerly 272½ feet to the centre line of 7th Street produced, to the exterior line for solid filling; thence northerly along the exterior line for solid filling 140 feet more or less to the place of beginning, being Block 16, Lot B-7	3.164	$ 284,760

DO COMMAND YOU that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you, or any of you, or under your control, you certify and send to the Justices of our Supreme Court, at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right according to the laws and constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this second day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

Collins & Corbin,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922, on its property in the State of New Jersey, used for railroad purposes which taxes, so far as they are based upon the property described in this writ shall be upon the values thereof for assessment for the year 1921.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

Filed September 22, 1922.

NEW JERSEY SUPREME COURT.

LONG DOCK COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and the MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the Long Dock Company, the within-named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House, in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Items complained of in Second Class Property Assessment, 1922.

Exhibit C. Complaint and Protest.

Exhibit D. Additional Complaint and Protest.

Exhibit E. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit F. Minority Statement on Final Determination.

Exhibit G. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,

FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessments on Main Stem.
Long Dock Company
Taxing District of Jersey City, County of Hudson.

(Main Stem—Assessment 1922)

Description of Property	Area	Assessed Value
Solid fill line to Henderson St.	6.257 acres	$563,130
Grove Street Henderson St.	.924 acre	99,792

Exhibit B.

Assessments on Second Class Property.

Long Dock Company

Taxing District of *Jersey City*, County of *Hudson*.

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property	Value	Total Value	Local Tax Rate	Tax for Taxing District
MAIN LINE				
Land outside main stem; Tract used for terminal purposes, bounded as follows:— Beginning at a point in the southerly line of Pavonia Avenue, 108 feet east of Provost Street; thence easterly along the southerly line of Pavonia Avenue to the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point 272½ feet north of the center line of 7th St., produced; thence westerly parallel with and distant 272½ feet from the center line of 7th Street, produced; to a point 1,225 feet east of the center line of Provost Street; thence southerly parallel with and distant easterly 1,225 feet from the center line of Provost Street to the center line of 7th Street, introduced; thence westerly along the center line of 7th Street, produced; to a point 255 feet east of Provost Street; thence northerly to the north line of 8th Street, and in the westerly face of cattle pens; thence westerly along the northerly line of 8th Street, to a point 125 feet east of Provost Street; thence northerly parallel with Provost Street, and distant easterly 125 feet, 100 feet; thence northerly to the place of beginning, being Block 16, Plot B-6	16.555 Ac.	$1,440,285.00		

Description of Property	Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem; Terminal Tract:—Beginning at a point of intersection between the easterly line of Provost Street and the center line of 12th Street, thence easterly along the center line of 12th Street, the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point in the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to the easterly line of Kelso Street; thence northerly along the easterly line of Kelso Street 100 feet; thence westerly parallel and distant northerly 100 feet from north line of Pavonia Avenue 85 feet; thence southerly 100 feet to the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to a point in the dividing line between lots No. 11 and No. 30, Block 150; thence northerly along the dividing line between said lots to the center line of 9th Street; thence westerly along the center line of 9th Street 155 feet, more or less; thence southerly at right angles 30 feet to the southerly line of 9th Street; thence westerly along the southerly angles 30 feet to the southerly line of 9th Street; thence westerly along the southerly line of 9th Street 39 feet; thence southerly at right angles 50 feet; thence westerly at right angles 41.5 feet to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street 225 feet, more or less; thence northwesterly 45 feet more or less to the center line of Provost Street; thence northerly along the center line of Pro-				

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
vost Street to a point 45 feet south of the northerly line of 11th Street; thence easterly at right angles to the centre line of Provost Street to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street to the center line of 12th Street; the place of beginning, being Block 17th, Plot A-2 (including value of land under water in front thereof)	44.296 Ac.	$6,104,700.00			
Land outside main stem, land at foot of Pavonia Avenue, 130 feet along the exterior line for solid filling from the northerly side of Pavonia Avenue southward, including the value of land under water,	2.816 Ac.	253,440.00			
Land outside main stem, beginning at a point in the exterior line for solid filling 130 feet south of the northerly line of Pavonia Avenue; thence easterly to the exterior line for piers; thence southerly along the exterior line for piers to a point 272½ feet north of the center line of 7th Street produced; thence westerly parallel with and distant northerly 272½ feet to the center line of 7th Street produced, to the exterior line for solid filling; thence northerly along the exterior line for solid filling 140 feet more or less to the place of beginning, being Block 16, Lot B-7,	3.164 Ac.	284,760.00			

* * * * * *

Exhibit C.

Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of the property of THE LONG DOCK COMPANY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment,
Trenton, New Jersey.

Gentlemen:

The Long Dock Company, a corporation, is aggrieved by the valuations of its property in the State of New Jersey, used for railroad purposes, for assessment for the year 1922, and specifies its grievances as follows:

1. The valuations of said property, and of each class thereof, for assessment for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made are erroneous.

3. Said valuations include property not used for railroad purposes.

4. Said property was not valued for assessment for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisions of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem) situated in the respective taxing districts, are at a rate in excess of the rate of assessment upon property of like character and similarly situated, and are not in the same relative proportion of true value as that by which other property in the same taxing district was assessed, and are in excess of and disproportionate to the assessments placed upon the property of other owners in said taxing district, and by reason thereof the Company is denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon said Company and its property with no opportunity for said Company to be heard in respect thereof, thereby depriving said Company of its property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to said Company the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon said company and its prop-

erty with no opportunity for said Company to be heard in respect thereof, while the owners of other property who contribute to the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional. The taxes on said property for the year 1922 have not been determined and said Company, being without remedy in respect thereof at this time, reserves its right to object to and complain against said taxes after the same have been determined.

Said Company complains against said valuations for the reasons hereinbefore set forth and requests your Honorable Board to review and correct the same.

THE LONG DOCK COMPANY,
By NATHAN WELLS,
Assistant General Land & Tax Agt.

Dated: November 18, 1921.

State of New York,
County of New York, ss:

Nathan Wells, of full age, being duly sworn according to law, on his oath says that he is Assistant General Land and Tax Agent of The Long Dock Company, named in the foregoing complaint and protest; that he has charge of all matters of assessment and taxation of the property of the said Company in the State of New Jersey, under the supervision of H. M. Andrews, General Land and Tax Agent of the said Company, and that the matters stated in said complaint and protest are true to the best of his knowledge and belief.

NATHAN WELLS.

Sworn to and subscribed at New York City, N. Y., this 18th day of November, 1921, before me the subscriber.

(Seal.) A. L. Travis,
A Foreign Commissioner of Deeds for New Jersey in New York.

Exhibit D.

Additional Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property used for railroad purposes, of the several companies constituting the ERIE RAILROAD SYSTEM and NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD SYSTEM, for taxes payable in the year 1922.	Additional Complaint.

To the State Board of Taxes and Assessment:

The Erie Railroad Company, lessee, Arlington Railroad Company; Bergen and Dundee Railroad Company; Caldwell Company; Docks Connecting Railway Company; Erie Terminals Railroad Company; Long Dock Company; Newark and Hudson Railroad Company; New Jersey and New York Railroad Company; New York and Greenwood Lake Railway Company; Erie Railroad Company, lessee of New York Lake Erie and Western Docks and Improvement Company; Northern Railroad Company of New Jersey; Erie Railroad Company, lessee of Paterson and Hudson River Railroad Company; Paterson, Newark and New York Railroad Company; Erie Railroad Company, lessee of Paterson and Ramapo Railroad Company;

Penhorn Creek Railroad Company; Roseland Railway Company; New York, Susquehanna and Western Railroad Company; Hackensack and Lodi Railroad Company; Lodi Branch Railroad Company; Macopin Railroad Company and Passaic and New York Railroad Company again complain against the valuations of their respective properties in the State of New Jersey, used for railroad purposes, for taxation in the year 1922 for the reasons stated in the complaint in writing heretofore filed by each of them against the same; and complain against the assessments thereof and taxes thereon for said year for the same reasons, and also because said assessments were made and said taxes levied by and upon erroneous and unlawful principles, and are excessive, erroneous, wrongful, unconstitutional, unlawful and illegal. Said companies, respectively, request your Honorable Board to review and correct said valuations, assessments and taxes upon the testimony and evidence heretofore produced by them, and each of them, upon the hearing by you of their said complaints against said valuations.

Dated, June 16, 1922.

The Erie Railroad Company, Lessee,
Arlington Railroad Company,
Bergen and Dundee Railroad Company,
Bergen County Railroad Company,
Caldwell Railway Company,
Docks Connecting Railway Company,
Erie Terminals Railroad Company,
Long Dock Company,
Newark and Hudson Railroad Company,
New Jersey and New York Railroad Company,

New York and Greenwood Lake Railway Company,
Erie Railroad Company, lessee of New York, Lake Erie and Western Docks and Improvement Company,
Northern Railroad Company of New Jersey,
Erie Railroad Company, lessee of Paterson and Hudson River Railroad Company,
Paterson, Newark and New York Railroad Company,
Erie Railroad Company, lessee of Paterson and Ramapo Railroad Company,
Penhorn Creek Railroad Company,
Roseland Railway Company,
New York, Susquehanna and Western Railroad Company,
Hackensack and Lodi Railroad Company,
Lodi Branch Railroad Company,
Macopin Railroad Company,
Passaic and New York Railroad Company,

By NATHAN WELLS,
Assistant General Land & Tax Agent.

State of New York,
County of New York, ss:

Nathan Wells, of full age, being duly sworn according to law, on his oath says that he is the Assistant General Land and Tax Agent of each of the companies named in the foregoing complaint; that he has charge of matters of assessment and taxation, of their respective properties used for railroad purposes in the State of New Jersey under supervision of J. A. Minor, the General Land and Tax Agent of each of said companies; and that the said complaint is true to the best of his knowledge and belief.

NATHAN WELLS.

Sworn and subscribed to at New York City, N. Y., this 16th day of June, 1922, before me the subscriber, a Notary Public in and for said county and state duly commissioned and sworn as witness my hand and official seal.

Thos. B. Wilgus,
(Seal)
Notary Public No. 291,
Register No. 3174,
New York County.
Term expires March 30, 1923.

Return of State Board of Taxes & Assessment

Exhibit E.

Abstracts from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit G.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Erie Railroad System, for the year 1922, after due consideration, have ratified and confirmed such valuations and

assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of Comptroller.

Filed September 22, 1922.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the Long Dock Company for the year A. D. nineteen hundred and twenty-two, as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the follcwing statement of assessed valuations of the Long Dock Company, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the Long Dock Company.

For Main Stem	$2,310,014.00	
For Franchise	232,430.00	$2,542,444.00
For tangible personal property necessary for and used in State Commerce		
Total assessable for State uses		$2,542,444.00

For real estate used for railroad purposes, other than main stem	10,484,205 00
Aggregate assessed valuation	$13,026,649.00
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$90,536.43
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates	361,489 26
Total Tax	$452,025.69

Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of State Comptroller

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the Long Dock Company, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for local uses, for the year 1922.

County	Taxing District	Value	Local Tax
Hudson	Jersey City	$10,463,048.00	$360,765.90
	Secaucus Borough	21,157.00	723.36
		$10,484,205.00	$361,489.26

Reasons.

Filed October 2, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Dec. 18th, 1924.

NEW JERSEY SUPREME COURT.

THE LONG DOCK COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected the assessments of taxes payable by prosecutor in the year 1922 and the proceedings returned with the certiorari in this cause, the reasons assigned for setting the same aside, and heard the argument of counsel thereon, and considered the same; and it appearing that said assessments are in part unlawful and excessive.

It is Ordered, that said assessments to the extent that they are based on the following described property of prosecutor at the valuations hereafter stated, be and they hereby are affirmed:

Description of Property	Area in Acres	Assessed Values for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY		
Solid fill line to Henderson St.	6.257	$563,130
Grove St. to Henderson St.	0.924	99,792

And it is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment be and they hereby are reduced as hereafter stated:

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
REAL ESTATE OTHER THAN MAIN STEM— JERSEY CITY, HUDSON COUNTY.			
Main Line.			
Land outside main stem; Tract used for terminal purposes, bounded as follows: Beginning at a point in the southerly line of Pavonia Avenue 108 feet east of Provost Street; thence easterly along the southerly line of Pavonia Avenue to the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point 272½ feet north of the center line of 7th St., produced; thence westerly parallel with and distant 272½ feet from the center line of 7th Street, produced, to a point 1,225 feet east of the center line of Provost Street; thence southerly parallel with and distant easterly 1,225 feet from the center line of Provost Street to the center line of 7th Street, produced; thence westerly along the center line of 7th Street, produced, to a point 225 feet east of Provost Street; thence northerly to the north line of 8th Street and in the westerly face of cattle pens; thence westerly along the northerly line of 8th Street to a point 125 feet east of Provost Street; thence northerly parallel with Provost Street, and distant easterly 125 feet, 100 feet thence northerly to the place of beginning; being Block 16, Plot B-6	16.555	$1,440,285	$1,241,625

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
Land outside main stem, Terminal Tract; Beginning at a point of intersection between the easterly line of Provost Street and the center line of 12th Street; thence easterly along the center line of 12th Street to the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point in the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to the easterly line of Kelso Street; thence northerly along the easterly line of Kelso Street 100 feet; thence westerly parallel and distant northerly 100 feet from the north line of Pavonia Avenue 85 feet; thence southerly 100 feet to the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to a point in the dividing line between lots No. 11 and No. 30, Block 150; thence northerly along the dividing line between said lots to the center line of 9th Street; thence westerly along the center line of 9th Street 155 feet more or less; thence southerly at right angles 30 feet to the southerly line of 9th Street; thence westerly along the southerly line of 9th Street 39 feet; thence southerly at right angles 50 feet; thence westerly at right angles 41.5 feet to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street 225 feet, more or less; thence northwesterly 45 feet more or less to the center line of Provost Street; thence northerly along the center line of Provost Street to a point 45 feet south of the northerly line of 11th Street; thence easterly at right angles to the center line of Provost Street to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street to the center line of 12th Street, the place of beginning; being Block 17, Plot A-2 (including value of land under water in front thereof)	44.296	$6,104,700	$5,087,250

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
Land outside main stem, land at foot of Pavonia Avenue, 130 feet along the exterior line for solid filling from the northerly side of Pavonia Avenue southward, including the value of land under water	2.816	$253,440	$211,200

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
Land outside main stem, beginning at a point in the exterior line for solid filling 130 feet south of the northerly line of Pavonia Avenue; thence easterly to the exterior line for piers; thence southerly along the exterior line for piers to a point 272½ feet north of the center line of 7th Street, produced; thence westerly parallel with and distant northerly 272½ feet to the center line of 7th Street, produced, to the exterior line for solid filling; thence northerly along the exterior line for solid filling 140 feet more or less to the place of beginning, being Block 16, Lot B-7	3.164	$284,760	$237,300

Rule for Judgment

And it is Further Ordered, that said assessments be corrected in accordance herewith.

Entered December 18, 1923.

On motion of

COLLINS & CORBIN,
Attorneys of Prosecutor.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Notice of Appeal.

Served Jan. 17th, 1924.
Filed Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

THE LONG DOCK COMPANY, a corporation, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Notice of Appeal.

To:
Collins & Corbin,
Attorneys for Prosecutor.

Take Notice, that the defendants in the above-entitled cause appeal to the New Jersey Court of Errors and Appeals from so much of the judgment entered in the New Jersey Supreme Court in said cause, as orders and adjudges as follows:

"And it is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment be and they hereby are reduced as hereafter stated:

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced assessed valuations for the year 1922
REAL ESTATE OTHER THAN MAIN STEM—JERSEY CITY, HUDSON COUNTY.			
Main Line			
Land outside main stem; tract used for terminal purposes, bounded as follows: Beginning at a point in the southerly line of Pavonia Avenue 108 feet east of Provost Street; thence easterly along the southerly line of Pavonia Avenue to the exterior line for solid filling, thence southerly along the exterior line for solid filling to a point 272½ feet north of the center line of 7th St., produced; thence westerly parallel with and distant 272½ feet from the center line of 7th Street, produced, to a point 1,225 feet east of the center line of Provost Street; thence southerly parallel with and distant easterly 1,225 feet from the center line of Provost Street to the center line of 7th Street, produced; thence westerly along the center line of 7th Street, produced, to a point 255 feet east of Provost Street; thence northerly to the north line of 8th Street and in the westerly face of cattle pens; thence westerly along the northerly line of 8th Street to a point 125 feet east of Provost Street; thence northerly parallel with Provost Street, and distant easterly 125 feet, 100 feet; thence northerly to the place of beginning; being Block 16, Plot B-6.	16.555	$1,440,285	$1,241,625

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced assessed valuations for the year 1922
Land outside main stem, Terminal Tract; Beginning at a point of intersection between the easterly line of Provost Street and the center line of 12th Street; thence easterly along the center line of 12th Street to the exterior line for solid filling; thence southerly along the exterior line for solid filling to a point in the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to the easterly line of Kelso Street; thence northerly along the easterly line of Kelso Street 100 feet; thence westerly parallel and distant northerly 100 feet from the north line of Pavonia Avenue 85 feet; thence southerly 100 feet to the northerly line of Pavonia Avenue; thence westerly along the northerly line of Pavonia Avenue to a point in the dividing line between lots No. 11 and No. 30, Block 150; thence northerly along the dividing line between said lots to the center line of 9th Street; thence westerly along the center line of 9th Street 155 feet more or less; thence southerly at right angles 30 feet to the southerly line of 9th Street; thence westerly along the southerly line of 9th Street 39 feet; thence southerly at right angles 50 feet; thence westerly at right angles 41.5 feet to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street 225 feet, more or less; thence northwesterly 45 feet more or less to the center line of Provost Street; thence northerly along the center line of Provost Street to a point 45 feet south of the northerly line of 11th Street; thence easterly at right angles to the center line of Provost Street to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street to the center line of 12th Street, the place of beginning; being Block 17, Plot A-2 (including value of land under water in front thereof)	44.296	$6,104,700	$5,087,250

40 30 20 10

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced assessed valuations for the year 1922
Land outside main stem, land at foot of Pavonia Avenue, 130 feet along the exterior line for solid filling from the northerly side of Pavonia Avenue southward, including the value of land under water	2.816	253,440	211,200
Land outside main stem, beginning at a point in the exterior line for solid filling 130 feet south of the northerly line of Pavonia Avenue; thence easterly to the exterior line for piers; thence southerly along the exterior line for piers to a point 272½ feet north of the center line of 7th Street, produced; thence westerly parallel with and distant northerly 272½ feet to the center line of 7th Street, produced; to the exterior line for solid filling; thence northerly along the exterior line for solid filling 140 feet more or less to the place of beginning, being Block 16, Lot B-7	3.164	284,760	237,300

And it is Further Ordered, that said assessments be corrected in accordance herewith."

on the following grounds:

1. The assessed valuations of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by prosecutor's experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided Board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and prosecutor having failed to show that said assessed valuations were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess, the Supreme Court therefore should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determination of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

EDWARD P. STOUT,
Attorney for Defendants-Appellants.

Erie R. R. System—Arlington Railroad

(Erie R. R. System—Arlington R. R.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

New Jersey, ss:

(Seal) The State of New Jersey to the State Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuation and assessment of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revising and amending act was approved March 27, 1888, and the amendments thereof and supplements thereto, on certain property of the Arlington Railroad Company, a corporation, described as follows:

Main Stem—Town of Kearny, Hudson County.

	Area	Assessed value
Town of Kearny	3.790 acres	$7,580

DO COMMAND YOU that the said valuation and assessment of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence

and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you, or any of you, or under your control, you certify and send to the Justices of our Supreme Court, at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and constitution of this State ought to be done.

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this second day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

COLLINS & CORBIN,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey, used for railroad purposes, which taxes, so far as they are based upon the property described in this writ, shall be upon the value thereof, for assessment for the year 1921.

Dated September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

Filed September 22, 1922.

NEW JERSEY SUPREME COURT.

ARLINGTON RAILROAD COMPANY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and the MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justice of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the Arlington Railroad Company, the within-named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House, in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Complaint and Protest.

Exhibit C. Additional Complaint.

Exhibit D. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit E. Minority Statement on Final Determination.

Exhibit F. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,

FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessments on Main Stem.

Arlington Railroad Company
Taxing Disirict of Kearny Town, County of Hudson.

Main Stem—Assessment 1922

	Area	Assessed Value
Town of Kearny	3.790 acres	$7,580

Exhibit B.

Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of the property of THE ARLINGTON RAILROAD COMPANY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment,
Trenton, New Jersey.

Gentlemen:

The Arlington Railroad Company, a corporation, is aggrieved by the valuations of its property in the State of New Jersey, used for railroad purposes, for assessment for the year 1922, and specifies its grievances as follows:

1. The valuations of said property, and of each class thereof, for assessment for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made are erroneous.

3. Said valuations include property not used for railroad purposes.

4. Said property was not valued for assessment for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisions of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

5. Said valuations are without warrant or authority of law.

6. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon said Company and its property with no opportunity for said Company to be heard in respect thereof, thereby depriving said Company of its property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

7. The statutes under which said valuations were, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to said Company the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon said Company and its property with no opportunity for said Company to be heard in respect thereof, while the owners of other property who contribute to the same common burden of taxation are by law given such opportunity to be heard.

8. Said valuations are wrongful, erroneous, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional.

The taxes on said property for the year 1922 have not been determined and said Company being without remedy in respect thereof at this time, reserves its right to object to and complain against said taxes after the same have been determined.

Said Company complains against said valuations for the reasons hereinbefore set forth and requests your Honorable Board to review and correct the same.

THE ARLINGTON RAILROAD COMPANY,
By NATHAN WELLS,
Assistant General Land & Tax Agent.

Dated, November 18th, 1921.

State of New York,
County of New York, ss:

Nathan Wells, of full age, being duly sworn according to law on his oath says that he is Assistant General Land and Tax Agent of The Arlington Railroad Company named in the foregoing complaint and protest; that he has charge of all matters of assessment and taxation of the property of the said Company in the State of New Jersey, under the supervision of H. M. Andrews, General Land and Tax Agent of the said Company, and that the matters stated in said complaint and protest are true to the best of his knowledge and belief.

NATHAN WELLS.

Sworn to and subscribed at New York City, N. Y., this 18th day of November, 1921, before me the subscriber.

A. L. Travis,
(Seal)
A Foreign Commissioner of Deeds for New Jersey in New York.

Exhibit C.

Additional Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property used for railroad purposes, of the several companies constituting the ERIE RAILROAD SYSTEM and NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD SYSTEM, for taxes payable in the year 1922.	Additional Complaint.

To The State Board of Taxes and Assessment:

The Erie Railroad Company, lessee; Arlington Railroad Company; Bergen and Dundee Railroad Company; Bergen County Railroad Company; Caldwell Railway Company; Docks Connecting Railway Company; Newark and Hudson Railroad Company; New Jersey and New York Railroad Company; New York and Greenwood Lake Railway Company; Erie Railroad Company, lessee of New York, Lake Erie and Western Docks and Improvement Company; Northern Railroad Company of New Jersey; Erie Railroad Company, lessee of Paterson and Hudson River Railroad Company; Paterson, Newark and New York Railroad Company; Erie Railroad Company, lessee of Paterson and Ramapo Railroad Company;

Penhorn Creek Railroad Company; Roseland Railway Company; New York, Susquehanna and Western Railroad Company; Hackensack and Lodi Railroad Company; Lodi Branch Railroad Company; Macopin Railroad Company; and Passaic and New York Railroad Company again complain against the valuations of their respective properties in the State of New Jersey, used for railroad purposes, for taxation in the year 1922 for the reasons stated in the complaint in writing heretofore filed by each of them against the same; and complain against the assessments thereof and taxes thereon for said year for the same reasons, and also because said assessments were made and said taxes levied by and upon erroneous and unlawful principles, and are excessive, erroneous, wrongful, unconstitutional, unlawful and illegal.

Said companies, respectively, request your Honorable Board to review and correct said valuations, assessments and taxes upon the testimony and evidence heretofore produced by them, and each of them, upon the hearing by you of their said complaints against said valuations.

Dated, June 16, 1922.

The Erie Railroad Company, Lessee,
Arlington Railroad Company,
Bergen and Dundee Railroad Company,
Bergen County Railroad Company,
Caldwell Railway Company,
Docks Connecting Railway Company,
Erie Terminals Railroad Company,
Long Dock Company,
Newark and Hudson Railroad Company,

New Jersey and New York Railroad Company,
New York and Greenwood Lake Railway Company,
Erie Railroad Company, lessee of New York, Lake Erie and Western Docks and Improvement Company,
Northern Railroad Company of New Jersey,
Erie Railroad Company, lessee of Paterson and Hudson River Railroad Company,
Paterson, Newark and New York Railroad Company,
Erie Railroad Company, lessee of Paterson and Ramapo Railroad Company,
Penhorn Creek Railroad Company,
Roseland Railway Company,
New York, Susquehanna and Western Railroad Company,
Hackensack and Lodi Railroad Company,
Lodi Branch Railroad Company,
Macopin Railroad Company,
Passaic and New York Railroad Company,

By NATHAN WELLS,
Assistant General Land and Tax Agent.

State of New York,
County of New York, ss:

Nathan Wells, of full age, being duly sworn, according to law on his oath says that he is the Assistant General Land and Tax Agent of each of the companies named in the foregoing complaint; that he has charge of matters of assessment and taxation of their respective properties used for railroad purposes in the State of New Jersey under supervision of J. S. Minor, the General Land and Tax Agent of each of said companies; and that the said complaint is true to the best of his knowledge and belief.

NATHAN WELLS.

Sworn and subscribed to at New York York City, N. Y., this 16th day of June, 1922, before me the subscriber a Notary Public in and for said county and state duly commissioned and sworn as witness my hand and official seal.

(Seal) Thos. B. Wilgis,
Notary Public No. 291,
Register No. 3174,
New York County.

Term expires March 30, 1923.

Erie R. R. System—Arlington Railroad

Exhibit D.

Abstracts from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit E.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Erie Railroad System for the year 1922, after due consideration, have rati-

New Jersey State Library

fied and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of Comptroller.

Filed September 22, 1922.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the Arlington Railroad Company, for the year A. D. nineteen hundred and twenty-two, as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eight-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the Arlington Railroad Company, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the Arlington Railroad Company:

For Main Stem	$18,001.00	
For Franchise	1,000.00	$19,001.00
For tangible personal property necessary for and used in State Commerce		
Total assessable for State uses		$19,001.00

For real estate used for railroad purposes, other than main stem	
Aggregate assessed valuation	$19,001.00
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$676.63
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates	
Total Tax	$676.63

Received May 29, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Reasons.

Filed October 2, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

ARLINGTON RAILROAD COMPANY, a corporation, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT, and NEWTON A. K. BUGBEE, Comptroller of the Treasury, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected and reviewed the valuations and assessments of taxes for the year 1922 of prosecutor's property and the proceedings thereon and final determination, certificate and report of the State Board of Taxes and Assessment in respect thereto returned with the Certiorari in this cause, and duly considered the Reasons filed and heard the argument of counsel thereon, and finding no error in said valuations and assessments, the proceedings thereon and final determination, certificate and report of the State Board,

It is Ordered that said valuations and assessments of taxes as fixed and determined by the judgment of said State Board of Taxes and Assessment be in all things affirmed with costs.

Entered January 18th, 1924.

On motion of

EDWARD P. STOUT,
Attorney for Defendants.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Lehigh Valley Railroad of New Jersey

(Lehigh Valley R. R. of N. J.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

New Jersey, ss:

(Seal) The State of New Jersey to the State Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETINGS:

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revising and amending act was approved March 27, 1888, and the amendments thereof and supplements thereto, on certain property of the Lehigh Valley Railroad Company of New Jersey, a corporation, enumerated as follows:

Description of Property	Area in Acres	Assessed Values for the year 1922
Main Stem—Jersey City, Hudson County.		
Main Line.		
Bayonne City Line to Morris Canal, Avenue C	1.476	$14,760
Avenue C to Avenue D	1.602	16,020

Description of Property	Area in Acres	Assessed Values for the year 1922
Brown Place to Linden Lane	2.911	34,932
Linden Lane to Chapel Avenue	4.444	62,216
Chapel Avenue to Morris Canal	4.084	49,008
Morris Canal to Central Railroad of New Jersey	1.823	21,876
Central Railroad of New Jersey to Caven Point Road	3.130	40,690
Caven Point Road to Central Railroad of New Jersey "Y"	5.769	74,998
Central Railroad of New Jersey "Y" to Newark and New York Branch	.0826	10,738
Newark and New York Branch to Communipaw Avenue	0.971	23,304
Communipaw Avenue to Johnson Avenue	3.352	67,040
Johnson Avenue to Jersey Avenue	1.607	38,568
Jersey Avenue to 160 feet west of Van Vorst Street	5.941	237,640
160 feet west of Van Vorst Street to Washington Street	2.433	133,815
Washington Street to exterior line for solid filling	2.835	184,275
Edgewater Branch:		
Lehigh Valley Railroad Main Line to center line of Mill Creek	4.362	104,688

Lehigh Valley Railroad of New Jersey

	Description of Property	Area in Acres	Assessed Values for the year 1922
10	Van Vorst Street to Warren Street, width variable	0.518	22,032
	National Docks Branch.		
	From Montgomery Street to Grand Street	3.753	90,072
	From Grand Street to Pacific Avenue	1.264	40,448
	Width variable	0.019	494
20	From Morris Canal to Johnson Avenue	3.826	99,476
	Width variable	0.087	1,740
	From Main Line of Lehigh Valley Railroad to Central Railroad of New Jersey	0.766	15,320
	From Central Railroad of New Jersey to Communipaw Avenue, width 50 feet	0.619	12,380
30	From Communipaw Avenue to center line of Phillip Street Branch	6.905	89,766
	From center line of Phillip Street Branch to Caven Point Road	1.164	15,132
	From Caven Point Road to Chapel Avenue	11.209	141,234
	From Chapel Avenue to Linden Lane	4.506	54,072
40	From Linden Lane to Morris Canal	1.302	15,624
	From Morris Canal to 50 foot point off Main Line of Lehigh Valley Railroad	0.503	6,036

Description of Property	Area in Acres	Assessed Values for the year 1922
From 50 foot point to Brown Place, width variable	0.195	2,340
Communipaw Branch.		
From 50 foot point off Main Line to National Storage Company fence	4.401	57,214
National Storage Branch.		
"Y" width 100 feet	0.905	11,766
From 50 foot point off National Docks Branch to National Storage Company property line	2.559	33,268
Real Estate other than Main Stem— Jersey City, Hudson County. Main Line.		
Land outside main stem, excess north of main stem, east of Chapel Avenue and south of the center line of the C. R. R. of N. J., Block 1492, Plot No. 3	7.335	73,350
Land outside of main stem, excess between the C. R. of N. J. and the National Docks Railway, part of Plot No. 4, Block No. 1492	0.310	3,100

	Description of Property	Area in Acres	Assessed Values for the year 1922
10	Land outside main stem, excess east and west of main stem in Plot 1-A, Block 1492	0.850	8,500
	Land outside main stem, excess east and west of main stem in Plot 3, Block 2020, also Plots 7 and 5, Block 2033	0.790	7,900
20	Land outside main stem, excess south of main stem, from center line of Jersey Avenue, extended to National Docks Railway	3.497	69,940
	Land outside main stem, north of main stem and south of Morris Canal from center line of Jersey Avenue (exclusive of main stem) Edgewater Branch	13.650	204,750
30	Land outside main stem, north and south of main stem from a point 160′ west of the west line of Van Vorst Street, extended, to center line of Jersey Avenue, extended	25.673	1,026,920
	Land outside main stem, north and south of main stem between center line of Washington Street, extended, and a point 160′ west of west line of		
40	Van Vorst Street, extended	10.100	555,500

Description of Property	Area in Acres	Assessed Values for the year 1922
Land outside main stem, portion of "Morris Canal Grant," from the southerly line of Morris Canal property on the north, to the northerly line of the C. R. R. of N. J. on the south, and from the center line of Washington Street, easterly to the exterior line for piers, including the basin area between Washington and Warren Streets, exclusive of main stem	38.380	2,494,700
National Docks Branch.		
Land outside main stem, Claremont yard at Caven Point Road	42.431	425,150
Communipaw Branch.		
Land outside main stem, excess strip east side of main stem, between Communipaw Avenue and National Storage Company	3.035	60,700

Lehigh Valley Railroad of New Jersey

Description of Property	Area in Acres	Assessed Values for the year 1922
National Storage Branch.		
Land outside main stem, National Storage Company; from Caven Point to exterior line for piers, exclusive of four parcels assessed locally (contains 18.234 acres) area entire tract 106.599 acres	88.365	1,767,700
Main Stem—Bayonne, Hudson County. Main Line.		
Newark Bay to Hudson County Boulevard	1.056	10,560
Hudson County Boulevard to Jersey City line	1.070	10,700
National Docks Branch.		
Jersey City to center line of Packard ditch	16.414	246,210
From center line of Packard ditch to Oxford Copper Company, width variable	12.999	259,980
From Oxford Copper Company to end of filled line at Bergen Point Chemical Company	1.106	22,120

Description of Property	Area in Acres	Assessed Values for the year 1922
Bayonne Branch No. 2.		
Width variable, from junction with main line near Hudson County Boulevard to Jersey City line at Morris Canal	1.230	12,300
Real Estate other than Main Stem— Bayonne, Hudson County. National Docks Branch.		
Land outside main stem, excess width	0.303	4,545

Do Command You that the said valuations and assessments of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you, or any of you, or under your control, you certify and send to the Justices of our Supreme Court, at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and constitution of this State ought to be done.

Witness, William S. Gummere, Esq., Chief Justice, at Trenton, this second day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

COLLINS & CORBIN,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922 on its property in the State of New Jersey, used for railroad purposes, which taxes, so far as they are based upon the property described in this writ shall be upon the values thereof for assessment for the year 1921.

Dated September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

Filed September 22, 1922.

NEW JERSEY SUPREME COURT.

LEHIGH VALLEY RAILROAD COMPANY OF NEW JERSEY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and the MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the Writ of Certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand, eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the Lehigh Valley Rail-

road Company of New Jersey, the within named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings.

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Items complained of in Second Class Property Assessment, 1922.

Exhibit C. Complaint and Protest.

Exhibit D. Additional Complaint and Protest.

Exhibit E. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit F. Minority Statement on Final Determination.

Exhibit G. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,
FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessment on Main Stem.

Lehigh Valley Railroad Company of New Jersey
Taxing District of *Jersey City, County of Hudson.*

(Main Stem—Assessment 1922)

Description of Property	Area	Assessed Values
Bayonne City line to Morris Canal, Avenue C	1.476 acres,	$14,760
Avenue C to Avenue D	1.602 acres,	16,020
Brown Place to Linden Lane	2.911 acres,	34,932
Linden Lane to Chapel Avenue	4.444 acres,	62,216
Chapel Avenue to Morris Canal	4.084 acres,	49,008
Morris Canal to Central Railroad of of New Jersey	1.823 acres,	21,876
Central Railroad of New Jersey to Caven Point Road	3,130 acres,	40,690
Caven Point Road to Central Railroad of New Jersey "Y"	5.769 acres,	74,998
Central Railroad of New Jersey "Y" to Newark and New York Branch	0.826 acre,	10,738
Newark and New York Branch to Communipaw Avenue	0.971 acre,	23,304
Communipaw Avenue to Johnson Avenue	3.352 acres,	67,040

Description of Property	Area	Assessed Values
Johnson Avenue to Jersey Avenue	1.607 acres,	38,560
Jersey Avenue to 160 feet west of Van Vorst Street	5.941 acres,	237,640
160 feet west of Van Vorst Street to Washington Street	2.433 acres,	133,815
Washington Street to exterior line for solid filling	2.835 acres,	184,275
EDGEWATER BRANCH		
Lehigh Valley Railroad Main Line to center line of Mill Creek	4.362 acres,	104,688
Van Vorst Street to Warren Street, width variable	0.518 acre,	22,032
NATIONAL DOCKS BRANCH		
From Montgomery Street to Grand Street	3.753 acres,	90,072
From Grand Street to Pacific Avenue	1.264 acres,	40,448
Width variable	0.019 acre,	494
From Morris Avenue to Johnson Avenue	3.826 acres,	99,476
Width variable	0.078 acre,	1,740
From Main Line of Lehigh Valley Railroad to Central Railroad of New Jersey	0.766 acre,	15,320
From Central Railroad of New Jersey to Communipaw Avenue, width 50 feet	0.619 acre,	12,380
From Communipaw Avenue to center line of Philip Street Branch	6.905 acres,	89,766
From center line of Philip Street Branch to Caven Point Road	1.164 acres,	15,132
From Caven Point Road to Chapel Avenue	11.209 acres,	141,234
From Chapel Avenue to Linden Lane	4.506 acres,	54,072
From Linden Lane to Morris Canal	1.302 acres,	15,624
From Morris Canal to 50 feet point off Main Line of Lehigh Valley Raliroad	0.503 acre,	6,036
From 50 feet point to Brown Place, width variable	0.195 acre,	2,340
COMMUNIPAW BRANCH		
From 50 foot point off Main Line to National Storage Company fence	4.401 acres,	57,214
NATIONAL STORAGE BRANCH		
"Y" width 100 feet	0.905 acre,	11,766
From 50 foot point or National Docks Branch to National Storage Company property line	2.559 acres,	33,268

Description of Property	Area	Assessed Values
Taxing District of BAYONNE CITY, County of HUDSON		
MAIN LINE		
Newark Bay to Hudson County Boulevard	1.056 acres,	10,560
Hudson County Boulevard to Jersey City Line	1.070 acres,	10,700
NATIONAL DOCKS BRANCH		
Jersey City to center line of Packard ditch	16.414 acres,	246,210
From center line of Packard ditch to Oxford Copper Company	12.999 acres,	259,980
From Oxford Copper Company to end of filled line at Bergen Point Chemical Company	1.106 acres,	22,120
BAYONNE BRANCH NO. 2		
Width variable, from junction with main line near Hudson County Boulevard to Jersey City line at Morris Canal	1.230 acres,	12,300

Exhibit B.

Assessments on Second Class Property.

Lehigh Valley.

Taxing District of *Jersey City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, excess north of main stem, east of Chapel Avenue and south of the center line of the C. R. R. of N. J., Block 1492, Plot No. 3.	7.335	73,350.00			
	7.903 Ac.	**79,030.00**			
Land outside main stem, excess between the C. R. R. of N. J. and the National Docks Railway, part of Plot No. 4, Block No. 1492.	0.310	3,100.00			
	0.280 Ac.	**2,000.00**			
Land outside main stem, excess east and west of main stem in Plot 1-A, Block 1492.	0.850 Ac.	8,500.00			
Land outside main stem, excess east and west of main stem in Plot 3, Block 2020, also Plots 7 and 5, Block 2033.	**0.790 Ac.**	7,900.00			
* * * * * *					
Land outside main stem, excess south of main stem, from center line of Jersey Avenue, extended to National Docks Railway.	3.497 Ac.	69,940.00			
Land outside main stem, north of main stem and south of Morris Canal from center line of Jersey Avenue (exclusive of main stem) Edgewater Branch.	13.650 Ac.	204,750.00			
* * * * * *					

(Figures in bold face type have been erased.)

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, north and south of main stem from a point 160′ west of the west line of Van Vorst Street, extended, to center line of Jersey Avenue, extended.	25.673 Ac.	1,026,920.00			
Land outside main stem, north and south of main stem between center line of Washington Street, extended, and a point 160′ west of west line of Van Vorst Street, extended.	10.100 Ac.	555,500.00			
Land outside main stem, portion of "Morris Canal Grant," from the southerly line of Morris Canal property on the north, to the northerly line of the C. R. R. of N. J. on the south, and from the center line of Washington Street, easterly to the exterior line for piers, including the basin area between Washington and Warren Streets, exclusive of main stem	38.380 Ac.	2,494,700.00	6,025,813.00		207,770.03
* * * * * *			**$6,032,272.00**	$3.448	**$207,992.74**

National Dock Branch.

Taxing District of *Jersey City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Land outside main stem, Claremont yard at Cavon Point Road (Graded).	42.431	425,150.00	561,088.00		19,346.31
	42.831 Ac.	**$429,310.00**	**$565,088.00**	$3.448	**$19,484.23**
* * * * * *					

Lehigh Valley

Taxing District of *Bayonne City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem excess width (Graded)	0.303 Ac.	4,642.00			
* * * * * *		**$4,545.00**			

Communipaw Branch.

Taxing District of *Jersey City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Land outside main stem, excess strip east side of main stem, between Communipaw Avenue and National Storage Company.	3.035 Ac.	$60,700.00			
* * * * * *					

National Storage Branch.

Taxing District of *Jersey City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Land outside main stem, National Storage Company; from Caven Point to exterior line for piers, exclusive of four parcels assessed locally (contains 18.234 acres) area of entire tract 106.599 acres (Graded).	88.365 Ac.	1,767,700.00			
* * * * * *		**$1,767,300.00**			

Exhibit C.

Complaint

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of the property of the LEHIGH VALLEY RAILROAD COMPANY OF NEW JERSEY, a corporation, for the year 1922.	Complaint and Protest.

To the State Board of Taxes and Assessment,
Trenton, New Jersey.

Gentlemen:

The Lehigh Valley Railroad Company of New Jersey, a corporation, and Lehigh Valley Railroad Company, a corporation, its lessee, are aggrieved by the valuations of their property in the State of New Jersey, used for railroad purposes, for assessment for the year 1922, and specify their grievances as follows:

1. The valuations of said property, and of each class thereof for assessment for said year are in excess of the true value of the property.

2. The principles upon which said valuations were made are erroneous.

3. The said valuations include property not used for railroad purposes.

4. Said property was not valued for assessment for said year under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisions of paragraph 12 of Section VII of Ar-

ticle IV of the Constitution of the State of New Jersey.

5. The valuations for said year of said property described as real estate used for railroad purposes (other than main stem) situated in the respective taxing districts, are at a rate in excess of the rate of assessment upon property of like character and similarly situated, and are not in the same relative proportion of true value as that by which other property in the same taxing district was assessed, and are in excess of and disproportionate to the assessment placed upon the property of other owners in said taxing district, and by reason thereof the Companies are denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

6. Said valuations are without warrant or authority of law.

7. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon said Companies and their property with no opportunity for said Companies to be heard in respect thereof, thereby depriving said Companies of their property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. The statutes under which said valuations were made, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to said Companies the equal protection of the laws in violation of the Fourteenth Amendment to the

Constitution of the United States, because they cause taxes to be levied upon said Companies and their property with no opportunity for said Companies to be heard in respect thereof, while the owners of other property who contribute to the same common burden of taxation are by law given such opportunity to be heard.

9. Said valuations are wrongful, erroneous, unlawful, illegal and unconstitutional, and the statutes under which they were made are unlawful, illegal and unconstitutional.

The taxes on said property for the year 1922 have not been determined and said Companies being without remedy in respect thereof at this time, reserve their rights to object to and complain against said taxes after the same have been determined.

Said Companies complain against said valuations for the reasons hereinbefore set forth and request your Honorable Board to review and correct the same.

Dated, Nov. 17, 1921.

LEHIGH VALLEY RAILROAD COMPANY OF NEW JERSEY,
LEHIGH VALLEY RAILROAD COMPANY, Lessee,
By R. D. VAN DUZER,
General Land & Tax Agent.

State of New York,
County of New York, ss:

R. D. Van Duzer, of full age, being duly sworn according to law, on his oath says that he is the General Land and Tax Agent of the Lehigh Valley Railroad Company of New Jersey, and Lehigh Valley Railroad Company, Lessee, named in the foregoing complaint and protest, and that the matters stated therein are true to the best of his knowledge and belief.

R. D. VAN DUZER.

Sworn to and subscribed at New York, N. Y., this 17th day of November, 1921, before me, the subscriber, a Notary Public in and for said County and State, duly commissioned and sworn as witness my hand and official seal.

Rolland A. Haag,
Notary Public,
Kings Co. No. 63.

Kings Co. Register's No. 2055.
Certificate filed in N. Y. Co. No. 90.
N. Y. Co. Register's No. 2064.
My commission expires March 30, 1922.

(Seal)

Exhibit D.

Additional Complaint.

BEFORE THE STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment of property used for railroad or canal purposes respectively, of the several companies constituting the LEHIGH VALLEY RAILROAD SYSTEM, for taxes payable in the year 1922.

To the State Board of Taxes and Assessment:

The Lehigh Valley Railroad Company of New Jersey and Lehigh Valley Railroad Company, its lessee; Lehigh Valley Railroad Company, Lessee of the Morris Canal and Banking Company, and said Morris Canal and Banking Company; and Bay Shore Connecting Railroad Company again complain against the valuations of their respective properties in the State of New Jersey, used for railroad or canal purposes, for taxation in the year 1922, for the reasons stated in the complaint in writing heretofore filed by each of them against the same; and complain against the assessments thereof and taxes thereon for said year for the same reasons, and also because said assessments were made and said taxes levied by and upon erroneous and unlawful principles, and are excessive, erroneous, wrongful, unconstitutional, unlawful and illegal. Said companies, respectively, request

your Honorable Board to review and correct said valuations, assessments and taxes upon the testimony and evidence heretofore produced by them, and each of them, upon the hearing by you of their said complaints against said valuations.

Dated, June 16, 1922.

Lehigh Valley Railroad Company of New Jersey,
Lehigh Valley Railroad Company, Lessee,
Lehigh Valley Railroad Company, lessee of the Morris Canal and Banking Company, and Morris Canal and Banking Company,
Bay Shore Connecting Railroad Company.

By R. D. VAN DUZER,
General Land and Tax Agent.

State of New York,
County of New York, ss:

R. D. Van Duzer, of full age, being duly sworn according to law, on his oath says that he is the General Land and Tax Agent of each of the Companies named in the foregoing complaint; that he has charge of all matters of assessment and taxation of their respective properties used for railroad or canal purposes in the State of New Jersey; and that said complaint is true to the best of his knowledge and belief.

R. D. VAN DUZER.

Sworn and subscribed to at New York City, N. Y., this 16th day of June, 1922, before me, the subscriber, a Notary Public in and for said County and State, duly commissioned and sworn as witness my hand and official seal.

Frank D. Lynch,
Notary Public,
New York County.

New York County Clerk's No. 248.
New York County Register's No. 4121.
Commission expires March 30, 1924.

(Seal)

Exhibit E.

Abstract from minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Mr. Jess' proposal, June 6, 1922. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit G.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Lehigh Valley Railroad System, for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Return of Comptroller.

Filed September 22, 1922.

STATE OF NEW JERSEY,

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. Bugbee, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the Lehigh Valley Railroad Company of New Jersey for the year A. D. nineteen hundred and twenty-two as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the Lehigh Valley Railroad Company of New Jersey, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the Lehigh Valley Railroad Company of New Jersey.

	$14,095,088.00	
For Main Stem	*$14,097,008.00*	
For Franchise	1,447,000.00	$15,542,088.00
		$15,544,008.00
For tangible personal property necessary for and used in State Commerce		5,195,112.00
		5,195,906.00
Total assessable for State uses		$20,737,200.00
		$20,739,914.00

For real estate used for railroad purposes, other than main stem	12,473,169.00 *12,524,263.00*
Aggregate assessed valuation	$33,210,369.00 *$33,264,177.00*
Tax for State uses, at average tax rate of $3.561 per $100 valuation	$738,451.69 *$738,548,34*
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates	447,999.05 *449,890.41*
Total Tax	$1,186,450.74 *$1,188,438.75*

(Figures in italics were erased.)

Received May 29, 1922.
Revised Return, July 25, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,
JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the Lehigh Valley Railroad Company of New Jersey, used for Railroad purposes, other than Main stem, in the taxing Disiricts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

County	Taxing District	Value	Local Tax
	MAIN LINE		
Warren	Phillipsburg, Town of	$99,887.00	$3,565.97
	Pohatcong Township	5,194.00	157.90
	Alpha Borough	6,239.00	215.25
	Greenwich Township	317.00	9.83
Hunterdon	Bloomsbury Borough	6,377.00	251.89
	Bethlehem Township	5,149.00	183.82
	Union Township	13,295.00	479.95
	Franklin Township	6,785.00	282.93
		469.00	16.42
	Clinton Township	**619.00**	**21.67**
	Readington Township	6,545.00	304.34
	Raritan Township	17,355.00	673.37
Somerset	Branchburg Township	2,076	56.47
	Hillsborough Township	12,799.00	385.25
	Bound Brook Borough	14,453.00	574.16
Middlesex	Middlesex Borough	2,181.00	66.96
		279,022.00	9,124.02
	Piscataway Township	**279,396.00**	**9,136.25**
	Raritan Township	5,151.00	243.13
Union	Clark Township	15,699.00	240.19
	Scotch Plains Township	370.00	12.14
	Cranford Township	3,378.00	110.12
	Roselle Borough	1,157.00	34.71
		24,891.00	716.86
	Roselle Park Borough	**24,975.00**	**719.28**
	Union Township	13,566.00	389.34
	Hillside Township	7,080.00	229.39
		450,338.00	17,022.78
Essex	Newark City	**475,847.00**	**17,987.02**
		6,025,813.00	207,770.03
Hudson	Jersey City	**6,032,272.00**	**207,992.74**
	Total for Main Line	**$7,058,063.00**	**$244,324.07**
		$7,025,487.00	$243,117.22

County	Taxing District	Value	Local Tax
	ANDOVER BRANCH		
Warren	Phillipsburg, Town of	$209.00	$7.46
	MUSCONETCONG BRANCH		
		$203.00	$7.25
Hunterdon	Bethlehem Township	**$239.00**	**$8.53**
		6,781.00	250.22
	Holland Township	**6,798.00**	**250.85**
		$7,037.00	**$259.38**
		$6,984.00	$257.47
	PITTSTOWN BRANCH		
Hunterdown	Franklin Township	$5,630.00	$234.77
	CLINTON BRANCH		
Hunterdon	Franklin Township	207.00	8.63
	Town of Clinton	8,414.00	314.68
		$8,621.00	$323.31
	FLEMINGTON BRANCH		
Hunterdon	Raritan Township	$147.00	$5.70
	Flemington Borough	12,153.00	495.84
		$12,300.00	$501.54
	BLOODGOODS BRANCH		
Union	Clark Township	$387.00	$5.92
	CENTRAL R. R. OF N. J. CONNECTION		
Union	Cranford Township	$1,066.00	$34.75
	Roselle Borough	263.00	7.89
		$1,329.00	$42.64
	IRVINGTON BRANCH		
		$1,333.00	$43.19
Union	Hillside Township	**$1,723.00**	**$55.83**
Essex	Irvington, Town of	130,530.00	4,542.44
		$132,253.00	**$4,598.27**
		$131,863.00	$4,585.63

County	Taxing District	Value	Local Tax
	NEWARK BRANCH		
Essex	Newark City	$177,366.00	$6,704.43
	NEWARK & PASSAIC BRANCH		
		$64,290.00	$2,430.16
Essex	Newark City	**$78,365.00**	**$2,962.20**
	EDGEWATER BRANCH		
Hudson	Jersey City	$6,092.00	$210.05
	NATIONAL DOCKS BRANCH		
		$561,088.00	$19,346.31
Hudson	Jersey City	**$565,088.00**	**$19,484.23**
	Bayonne City	9,318.00	289.88
		$574,406.00	**$19,774.11**
		$570,406.00	$19,636.19
	COMMUNIPAW BRANCH		
Hudson	Jersey City	$75,266.00	$2,595.17
	NATIONAL STORAGE BRANCH		
Hudson	Jersey City	$2,534,938.00	$87,404.66
	KILL VON KULL BRANCH		
Hudson	Bayonne City	$29,429.00	$915.54
	PERTH AMBOY BRANCH		
Middlesex	Piscataway Township	$68,141.00	$2,228.21
	Raritan Township	6,552.00	309.25
	Metuchen Borough	2,308.00	96.94
	Woodbridge Township	2,774.00	153.12
	Perth Amboy City	1,725,201.00	75,391.28
		$1,804,976.00	$78,178.80
	RARITAN BRANCH		
Middlesex	Woodbridge Township	$4,620.00	$255.02
	Raritan Township	7,434.00	350.88
		$12,054.00	$605.90

Reasons

County	Taxing District	Value	Local Tax
	MIDDLESEX BRANCH		
Middlesex	Perth Amboy City	$5,542.00	$242.19
	Total for Main Line & Branches	**$12,524,263.00**	**$449,890.41**
		$12,473,169.00	$447,999.05

(Figures in bold face type have been erased.)

Reasons.

Filed October 2, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Dec. 18th, 1923.

NEW JERSEY SUPREME COURT.

LEHIGH VALLEY RAILROAD COMPANY OF NEW JERSEY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Rule for Judgment.

The Court having inspected the assessments of taxes payable by prosecutor in the year 1922 and the proceedings returned with the certiorari in this cause, the reasons assigned for setting the same aside, and heard the argument of counsel thereon, and considered the same; and it appearing that said assessments are in part unlawful and excessive.

It is Ordered, that said assessments to the extent that they are based on the following described property of prosecutor at the valuations hereafter stated, be and they hereby are affirmed:

Description of property	Area in Acres	Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY.		
Main Line		
Bayonne City Line to Morris Canal		
Avenue C	1.476	$ 14,760
Avenue C to Avenue D	1.602	16,020
Brown Place to Linden Lane	2.911	34,932
Linden Lane to Chapel Avenue	4.444	62,216
Chapel Avenue to Morris Canal	4.084	49,008
Morris Canal to Central Railroad of New Jersey	1.823	21,876
Central Railroad of New Jersey to Caven Point Road	3.130	40,690
Caven Point Road to Central Railroad of New Jersey "Y"	5.769	74,998
Central Railroad of New Jersey "Y" to Newark and New York Branch	0.826	10,738
Newark and New York Branch to Communipaw Avenue	0.971	23,304
Communipaw Avenue to Johnson Avenue	3.352	67,040
Johnson Avenue to Jersey Avenue	1.607	38,568
160 feet west of Van Vorst Street to Washington Street	2.433	133,815
Washington Street to exterior line for solid filling	2.835	184,275
Edgewater Branch		
Lehigh Valley Railroad Main Line to center line of Mill Creek	4.362	104,688
Van Vorst Street to Warren Street, width variable	0.518	22,032
National Docks Branch		
From Montgomery Street to Grand Street	3.753	90,072
From Grand Street to Pacific Avenue	1.264	40,448
Width variable	0.019	494
From Morris Canal to Johnson Avenue	3.826	99,476
Width variable	0.087	1,740
From Main Line of Lehigh Valley Railroad to Central Railroad of New Jersey	0.766	15,320
From Central Railroad of New Jersey to Communipaw Avenue, width 50 feet	0.619	12,380

	From Communipaw Avenue to center line of Phillip Street Branch	6.905	89,766
	From center line of Phillip Street Branch to Caven Point Road	1.164	15,132
	From Caven Point Road to Chapel Avenue	11.209	141,234
	From Chapel Avenue to Linden Lane	4.506	54,072
	From Linden Lane to Morris Canal	1.302	15,624
	From Morris Canal to 50 foot point off Main Line of Lehigh Valley Railroad	0.503	6,036
	From 50 foot point to Brown Place, width variable	0.195	2,340
	Communipaw Branch		
	From 50 foot point off Main Line to National Storage Company fence	4.401	57,214
	National Storage Branch		
	"Y" width 100 feet	0.905	11,766
	From 50 foot point off National Docks Branch to National Storage Company property line	2.559	33,268

REAL ESTATE OTHER THAN MAIN STEM—JERSEY CITY, HUDSON COUNTY.

Main Line.

	Land outside main stem, excess north of main stem, east of Chapel Avenue and south of the center line of the C. R. R. of N. J., Block 1492, Plot No. 3	7.335	73,350
	Land outside of Main stem, excess between the C. R. R. of N. J. and the National Docks Railway part of Plot No. 4, Block No. 1492	0.310	3,100
	Land outside main stem, excess east and west of main stem in Plot 1-A, Block 1492	0.850	8,500
	east and west of main stem in Land outside main stem, excess Plot 3, Block 2020, also Plots 7 and ,5 Block 2033	0.790	7,900
	Land outside main stem excess line of Jersey Avenue, extended south of main stem, from center to National Docks Railway	3.497	69,940

Land outside main stem, north of main stem and south of Morris Canal from center line of Jersey Avenue (exclusive of main stem) Edgewater Branch	13,650	204,750	
Land outside main stem, north and south of main stem between center line of Washington Street, extended, and a point 160′ west Street, extended of west line of Van Vorst	10,100	555,500	10
Land outside main stem portion of "Morris Canal Grant," from the southerly line of Morris Canal property on the north, to the northerly line of the C. R. R. of N. J. on the south, and from the center line of Washington Street, easterly to the exterior line for piers, including the basin area between Washington and Warren Streets exclusive of main stem	38.380	2,494,700	
National Docks Branch			20
Land outside main stem, Claremont yard at Caven Point Road	42.431	425,150	
Communipaw Branch			
Land outside main stem, excess strip east side of main stem, between Communipaw Avenue and National Storage Company	3.035	60,700	
National Storage Branch			
Land outside main stem, National Storage Company; from Caven Point to exterior line for piers, exclusive of four parcels assessed locally (contains 18,234 acres) area entire tract 106,599 acres	88.365	1,767,700	30

MAIN STEM—BAYONNE, HUDSON COUNTY.

Main Line			
Newark Bay to Hudson County Boulevard	1.056	10,560	
Hudson County Boulevard to Jersey City Line	1.070	10,700	
			40

National Docks Branch		
Jersey City to center line of Packard ditch	16.414	246,210
From center line of Packard ditch to Oxford Copper Company width variable	12.999	259,980
From Oxford Copper Company to end of filled line at Bergen Point Chemical Company	1.106	22,120
Bayonne Branch No. 2		
Width variable, from junction with Main Line near Hudson County Boulevard to Jersey City line at Morris Canal	1.230	12,300

REAL ESTATE OTHER THAN MAIN STEM— BAYONNE, HUDSON COUNTY.

National Docks Branch		
Land outside main stem, excess width	0.303	4,642

And it is Further Ordered, that the valuations of the following described property of prosecutor for the purpose of such assessment, be and they hereby are reduced as hereafter stated.

Description of property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY.			
Main Line.			
Jersey Avenue to 160 feet west of Van Vorst Street	5.941	237,640	178,230

Rule for Judgment

REAL ESTATE OTHER THAN MAIN STEM—JERSEY CITY, HUDSON COUNTY.

Main Line.

Land outside main stem, north and south of main stem from a point 160′ west of the west line of Van Vorst Street, extended to center line of Jersey Avenue, extended	25.673	1,026,920	770,190

And it is Further Ordered, that said assessments be corrected in accordance herewith.

Entered December 18, 1923.

On motion of

COLLINS & CORBIN,
Attorneys of Prosecutor.

A true copy.

EDWARD J. KELLEHER,
Clerk.

Notice of Appeal.

Served Jan. 17th, 1924.
Filed Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

LEHIGH VALLEY RAILROAD COMPANY OF NEW JERSEY, Prosecutor, vs. THE STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Notice of Appeal.

To:
Collins & Corbin,
Attorneys for Prosecutor:

Take Notice, that the defendants in the above-entitled cause appeal to the New Jersey Court of Errors and Appeals from so much of the judgment entered in the New Jersey Supreme Court in said cause, as orders and adjudges as follows:

"And it is Further Ordered that the valuations of the following described property of prosecutor for the purpose of such assessment, be and they hereby are reduced as hereafter stated.

Description of Property	Area in Acres	Assessed Valuations for the year 1922	Reduced Assessed Valuations for the year 1922
MAIN STEM—JERSEY CITY, HUDSON COUNTY.			
Jersey Avenue to 160 feet west of Van Vorst Street	5,941	237,640	178,230
REAL ESTATE OTHER THAN MAIN STEM—JERSEY CITY, HUDSON COUNTY.			
Main Line.			
Land outside main stem, north and south of main stem from a point 160' west of the west line of Van Vorst Street, extended, to center line of Jersey Avenue, extended,	25,673	1,026,920	770,190

And it is Further Ordered that said assessments be corrected in accordance herewith."

on the following grounds:

1. The assessed valuations of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are

greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by Prosecutor's experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided Board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and Prosecutor having failed to show that said assessed

valuations were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess the Supreme Court therefore should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determination of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

EDWARD P. STOUT,
Attorney for Defendants-Appellants.

(D., L. & W. R. R. System—Morris & Essex R. R., Hoboken Ferry Co., Hudson Realty Co.)

Writ of Certiorari.

Allowed September 2, 1922;

Returnable September 22, 1922.

NEW JERSEY, ss:

The State of New Jersey to the State (seal) Board of Taxes and Assessment and Newton A. K. Bugbee, Comptroller of the Treasury, GREETING:

We being willing, for certain reasons (a proper case having been made and due notice of application for this writ having been given to the Attorney-General), to be certified of the valuations and assessments of taxes for the year 1922, made pursuant to an act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revising and amending act was approved March 27, 1888, and the amendments thereof and supplements thereto, on certain lands used for railroad purposes by the Delaware, Lackawanna & Western Railroad Company, a corporation of the State of Pennsylvania, owned by the Morris & Essex Railroad Company, the Hoboken Ferry Company, and the Hudson Realty Company, corporations of the State of New Jersey, to wit:

Writ of Certiorari.

Delaware, Lackawanna & Western Railroad System.

Lands outside of Main Stem (Second Class.).

Taxing District of Jersey City.

Morris & Essex Railroad Co.

Block 19, Lot C, Terminal Yard, Between Henderson Street and Pier Head Line, Hoboken City Line to Erie Railroad Yard, Area 131.84 acres. Assessed for 1922 at $12,524,800

Taxing District of Hoboken.

Block 139, Lot B, Main Terminal Yard, between Pier Head Line and Henderson St., Jersey City line to Ferry St. and Public Service Terminal, Area 40.068 acres. Assessed for 1922 at $3,846,528

Hoboken Ferry Co.

Block 230, Lot A, Hoboken Ferry Terminal foot of Hudson Place, Hoboken, Area 10.315 acres. Assessed for 1922 at $990,240

Block 263, Part Lot B-2, Upper Ferry Basin, foot of 14th Street, Hoboken, Area 1.525 acres. Assessed for 1922 at $114,375

Hudson Realty Co.

"Manor Tract" foot of 11th St., east of Hudson St. Pier Head Line, Area 7.621 acres. Assessed for 1922 at $495,365

D., L. & W. R. R. System.

"Ocean S. S. Tract" foot of 11th St., Hudson St. Pier Head Line, Area 16.136 acres. Assessed for 1922 at $1,110,157

Main Stem (First Class).

Taxing District of Jersey City.

Morris & Essex Railroad Co.

Henderson St. to Hoboken City Line, Area 3.240 acres. Assessed for 1922 at $307,800

Taxing District of Hoboken.

Jersey City Line to Bulk Head Line, Area 3.728 acres. Assessed for 1922 at $357,888

DO COMMAND YOU that the said valuations and assessment of taxes, the statement or statements thereof reported and certified by said Board to said Comptroller of the Treasury, the written complaint or complaints by said company against the same, the evidence and statements before said Board on review thereof, the final determination of said Board thereon, all corrections made by said Board therein, and the final report and certification thereof by said Board to said Comptroller, together with all proceedings and matters touching and concerning the same, as they remain before you, or any of you, or under your control, you certify and send to the Justices of our Supreme Court, at Trenton, on the twenty-second day of September, 1922, together with this writ, that therein may be done what of right and according to the laws and constitution of this State ought to be done.

Allocatur

WITNESS, William S. Gummere, Esq., Chief Justice, at Trenton, this sixth day of September, 1922.

ENOCH L. JOHNSON,
Clerk.

CONGLETON, STALLMAN & HOOVER,
Attorneys.

Allocatur.

I allow this writ. Let it be sealed. Upon condition that prosecutor shall, within the time required by law, pay the taxes for the year 1922, on its property in the State of New Jersey, used for railroad purposes, which taxes, so far as they are based upon the property described in this writ, shall be upon the values thereof, on which the prosecutor paid such taxes for the previous tax year.

Dated, September 2, 1922.

F. J. SWAYZE,
J. S. C.

Return of State Board of Taxes and Assessment.

Filed September 22, 1922.

NEW JERSEY SUPREME COURT.

DELAWARE, LACKAWANNA & WESTERN RAILROAD CO., Prosecutor, vs. THE STATE BOARD OF TAXES and ASSESSMENT, NEWTON A. K. BUGBEE, COMPTROLLER OF THE TREASURY, AND THE MAYOR AND ALDERMEN OF JERSEY CITY, Defendants.	On Certiorari. Return to Writ.

To the Chief Justice and Associate Justices of the Supreme Court of the State of New Jersey:

The State Board of Taxes and Assessment, complying with the commands of the writ of certiorari hereto attached, and for its return thereto, does certify as follows:

1. That, pursuant to an Act of the Legislature of the State of New Jersey entitled "An Act to revise and amend 'An Act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which revision and amendment was approved March 27, 1888, and the acts amendatory thereof and supplementary thereto, it, the said State Board of Taxes and Assessment, did value and assess for purposes of taxation for the year 1922, certain property of the

Delaware, Lackawanna & Western Railroad Co., the within-named prosecutor, used for railroad purposes.

2. That, pursuant to the statutes aforesaid, the said State Board of Taxes and Assessment did certify and report to the Comptroller of the Treasury of the State of New Jersey a statement of said valuation, assessment and tax.

3. That the said State Board of Taxes and Assessment gave notice to the prosecutor of the said valuation, assessment and tax, and that it would meet on a date fixed, at the State House, in Trenton, for the purpose of reviewing said assessment.

4. That the prosecutor filed a written complaint, or complaints, specifying its grievance against said valuation, assessment and tax, and protested against the levy and assessment of said tax, and was heard thereon, whereupon the State Board of Taxes and Assessment, after due consideration, adjusted and corrected the said valuation, assessment and tax as to said Board seemed equitable and just, which said corrected valuation, assessment and tax was duly certified to the Comptroller of the Treasury.

5. And the State Board of Taxes and Assessment does further certify and report that it has hereunto appended, under appropriate headings:

Exhibit A. Items complained of in Main Stem Assessment, 1922.

Exhibit B. Items complained of in Second Class Property Assessment, 1922.

Exhibit C. Complaint and Protest.

Exhibit D. Additional Complaint and Protest.

Exhibit E. Abstract of Minutes of State Board of Taxes and Assessment.

Exhibit F. Minority Statement on Final Determination.

Exhibit G. Final Determination.

STATE BOARD OF TAXES AND ASSESSMENT,

FRANK D. SCHROTH,
Secretary.

Trenton, N. J.,
September 22, 1922.

Exhibit A.

Assessment on Main Stem.

Delaware, Lackawanna & Western Railroad Co., Lessee of the Morris & Essex Railroad.

Taxing District of *Jersey City,* County of *Hudson.*

(Main Stem—Assessment 1922)

Description of Property	Area	Assessed Values
Henderson Street to Hoboken City line	3.240 acres	$307,800
Taxing District of *Hoboken City,* County of *Hudson.*		
Jersey City line to Bulkhead line	3.728 acres	357,888

Exhibit B.

Assessment on Second Class Property.

Delaware, Lackawanna & Western Railroad Company, Lessee of the Morris & Essex Railroad.

Taxing District of *Hoboken City (Weehawken Addition)*, County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, at Castle Point, bounded on the north by lands formerly of the Ocean Steamship Company, on the south by the Penna. R. R. Company's Marine Repair Shop, on the west by the Hoboken Shore Road, and on the east by the exterior line for piers, width 331.63'	7.621 Ac.				
Land outside main stem, at Castle Point, bounded on the north by the Yellow Pine Co., on the south by former boundary of Penna. R. R. Co.'s Marine Repair Shops, on the west by the easterly line of Hudson St., on the east by the exterior line for piers, width 540'	16.136 Ac.	$ 495,365.00			
* * * * * *					
			1,110,157.00		

Delaware, Lackawanna & Western Railroad Company, Lessee of the Morris & Essex Railroad.

Taxing District of *Hoboken City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property		Value	Total Value	Local Tax Rate	Tax for Taxing District
(OLD HOBOKEN)					
Land outside main stem, tract used for terminal purposes bounded on the north by Ferry St., on the east by the exterior line for piers, on the south by the boundary line between Hoboken and Jersey City, on the west by Henderson Street, exclusive of main stem	40.068 Ac.	$3,846,528.00			
Land outside main stem, excess lower ferry property, 350′ along bulkhead line, extending south from lands of Hamburg-American Steamship Company, and eastward to exterior line for piers		990,240.00			
* * * * * *					
(WEEHAWKEN ADDITION)					
Land outside main stem, excess at Marine Repair Shops, upper ferry, being a strip 69 feet wide, measured southwardly along bulkhead line, from a point 106 feet south of the center line of 14th Street produced, and extending from a point 261′ from the easterly line of Hudson Street to exterior line for piers, containing	1.525 Ac.	114,375.00			

Delaware, Lackawanna & Western Railroad Company, Lessee of the Morris & Essex Railroad.

Taxing District of *Jersey City,* County of *Hudson.*

Valuation and Assessment of Real Estate other than Main Stem, for the year 1922.

Description of Property	Value	Total Value	Local Tax Rate	Tax for Taxing District
Land outside main stem, Terminal Tract—Beginning at the intersection of the exterior line for piers and the center line of 12th Street produced; thence westerly along the center line of 12th Street produced, to a point 430 feet east of the easterly line of Provost Street; thence northerly and parallel with Provost Street 260 feet to the center line of 13th Street; thence westerly along the center line of 13th Street 150 feet more or less to a point 5 feet west of the original high water mark; thence northerly 295 feet more or less to a point in the northerly line of 14th Street, distant 225 feet more or less, eastwardly from the easterly line of Provost Street; thence northerly 250 feet more or less to the northerly line of Lot 24, Block 156; thence westerly along the northerly line of said Lot 24, 80 feet more or less to the easterly line of Provost Street; thence northerly along the easterly line of Provost Street, 115 feet more or less; thence north-				

Description of Property	Value	Total Value	Local Tax Rate	Tax for Taxing District
erly to a point in the southerly line of 16th Street, distant eastwardly 86 feet from the westerly line of Plot A, Block 188; thence northerly to the southeasterly corner of Plot A, Block 189; thence westerly along the northerly line of 16th Street, 325 feet more or less to the easterly line of Henderson Street; thence northerly along the easterly line of Henderson Street to the southerly line of Lot 21, Block 19; thence easterly along the southerly line of Lot 21, 62 feet; thence northerly along the easterly boundaries of Lots 21 and 22, Block 19, 50 feet; thence westerly along the northerly line of Lot 22, 62 feet to the easterly line of Henderson Street; thence northerly along the easterly line of Henderson Street, 520 feet more or less to the boundary line between Jersey City and Hoboken; thence southeasterly along the boundary line between Jersey City and Hoboken to the exterior line for piers; thence southerly along the exterior line for piers to the place of beginning, exclusive of main stem.	131.840 Ac.	$12,524,800.00		

Return of State Board of Taxes & Assessment

Exhibit C.

Complaint.

NEW JERSEY STATE BOARD OF TAXES AND ASSESSMENT.

IN THE MATTER of The assessment valuations by the New Jersey State Board of Taxes and Assessment of the Main Stem, Franchise, Personalty, and Second Class Property of the DELAWARE, LACKAWANNA AND WESTERN RAILROAD SYSTEM for 1922.	Complaint and Protest 1922.

To the New Jersey State Board of Taxes and Assessment:

The petition of the Delaware, Lackawanna and Western Railroad Company, Lessee of the Morris and Essex Railroad, Chester Railroad Company, Hopatcong Railroad Company, Lackawanna Railroad Company of New Jersey, Morris and Essex Extension Railroad Company, Newark and Bloomfield Railroad Company, Passaic and Delaware Railroad Company, Passaic and Delaware Extension Railroad Company, Sussex Railroad Company, Warren Railroad Company, Delaware, Lackawanna and Western Railroad Company (Lessee), constituting the Lackawanna System in New Jersey, respectfully shows:

1. That your petitioners, The Delaware, Lackawanna and Western Railroad Company, a corpora-

tion of the State of Pennsylvania, doing business in New Jersey under legislative sanction, as lessee, and the above-named railroad corporations constituting the said Lackawanna System in the State of New Jersey, all and severally hereby complain of the valuations, dated November 1, 1921, by the New Jersey State Board of Taxes and Assessment and specify the following grounds of complaint and grievances to the said valuations above referred to and the said companies all and severally request your Honorable Board to review and correct the same.

First: The said State Board of Taxes and Assessment erred in assessing the valuations (Aggregating $29,458,567, as per schedule hereto attached and made a part hereof) of the said companies for Main Stem (First Class property so-called).

Second: The said State Board of Taxes and Assessment erred in assessing the valuations (Aggregating $1,019,000 as per schedule attached and made a part hereof) of the said companies for their franchise.

Third: The said State Board of Taxes and Assessment erred in assessing the valuations (aggregating $28,465,385, as per schedule hereto attached and made a part hereof) of the said companies for Real Estate used for railroad purposes other than Main Stem (Second Class property so-called). The valuations for said year of said property described as real estate used for railroad purposes other than Main Stem (Second Class property so-called) situated in the respective taxing districts, are at a rate in excess of the percentage of assessment upon property of like character and similarly situated, and are not

in the same relative proportion of true value as that by which other property in the same taxing district was assessed, and are in excess of and disproportionate to the assessment placed upon the property of other owners in said taxing district, and by reason thereof said companies are denied the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States.

Fourth: The said State Board of Taxes and Assessment erred in assessing the valuation (aggregating $7,879,364, as per schedule hereto attached and made a part hereof) of the said companies for Tangible Personal Property necessary for and used in state commerce.

Fifth: The valuations of said property, and of each class thereof for assessment for said year 1922, are in excess of the true value of the property, and the principles upon which said valuations were made are erroneous.

Sixth: The said State Board of Taxes and Assessment erred in valuing the pieces of property set forth in their valuations of Real Estate used for railroad purposes other than Main Stem for the said year under the title "Description of Property" at the valuations therein set forth under the column entitled "Value."

Seventh: The said State Board of Taxes and Assessment erred in including in its said valuations of Main Stem, in its valuations of Tangible Personal Property and in its valuations of property other than Main Stem used for railroad purposes, property that is not taxable, and property that is not subject to valuation by said State Board of Taxes and Assessment.

Eighth: That said State Board of Taxes and Assessment has not valued the property of your pe-

titioners for assessment for said year 1922 under general laws and by uniform rules, and, therefore, said valuations are in violation of the provisions of paragraph 12 of Section VII of Article IV of the Constitution of the State of New Jersey.

Ninth: The said valuations are without warrant or authority of law.

Tenth: The statutes under which the said State Board of Taxes and Assessment made said valuations, as amended and supplemented by an act approved on April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they cause taxes to be levied upon the said companies and their property with no opportunity for the companies to be heard in respect thereof, thereby depriving the companies of their property without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

Eleventh: The statutes under which said State Board of Taxes and Assessment made said valuations, as amended and supplemented by an act approved April 2, 1921, being Chapter 138 of the Laws of 1921, are unconstitutional in that they deny to the said companies the equal protection of the laws in violation of the Fourteenth Amendment to the Constitution of the United States, because they cause taxes to be levied upon the companies and their property with no opportunity for the companies to be heard in respect thereof, while the owners of other property who contributed to the same common burden of taxation are by law given such opportunity to be heard.

Twelfth: The said valuations are wrongful, erroneous, unlawful, illegal, unconstitutional and void

and the statutes under which said Board acted in imposing said valuations, are unlawful, illegal, unconstitutional and void.

The taxes on said property for the year 1922 have not been determined and your petitioners being without remedy in respect thereof at this time, reserve their right to object to and complain against said taxes after the same have been determined.

The petitioners further request a hearing upon the foregoing complaint, protest and objections, and respectfully ask leave at such formal hearing to present other and further objections and raise such further questions as to the legality of said acts as they may be advised by counsel are proper and necessary to save and protect their rights.

Dated, November 19, 1921.

Delaware, Lackawanna and Western Railroad Company, Lessee of the Morris and Essex Railroad.
Chester Railroad Company.
Hopatcong Railroad Company.
Lackawanna Railroad Company of New Jersey.
Morris and Essex Extension Railroad Company.
Newark and Bloomfield Railroad Company.
Passaic and Delaware Extension Railroad Company.
Sussex Railroad Company.
Warren Railroad Company.
Delaware, Lackawanna and Western Railroad Company (Lessee),

By E. T. LUKENS,
Real Estate and Tax Agent.

40 30 20 10

DELAWARE, LACKAWANNA AND WESTERN RAILROAD SYSTEM

Schedule of Assessment Valuations by New Jersey State Board of Taxes and Assessment for 1922

	Main Stem (First Class so-called)	Franchise	Real Estate Other Than Main Stem (Second Class so-called)	Tangible Personal Property	Total
Morris & Essex R. R.	$16,299,470	$ 936,720	$26,150,191		$43,386,381
Chester R. R.	117,569	2,400	8,504		128,473
Hopatcong R. R.	22,626	1,000	421		24,050
Lackawanna R. R. Co. of N. J.	8,922,100	1,000	48,511		8,971,611
Morris & Essex Ext. R. R.	307,510	8,000	72,979		388,489
Newark & Bloomfield R. R.	1,032,013	18,400	341,564		1,391,977
Passaic & Delaware Ext. R. R.	394,312	10,400	58,081		462,793
Sussex R. R.	165,667	3,680	34,888		204,235
Warren R. R.	589,265	1,000	70,182		660,447
Delaware, Lackawanna & Western R. R., Lessee	1,608,032	36,400	38,217		1,682,649
			1,641,847	$7,879,364	9,521,211
Grand Total	$29,458,567	$1,019,000	$28,465,385	$7,879,364	$66,822,316

Return of State Board of Taxes & Assessment

Exhibit D.

Additional Complaint.

CONGLETON, STALLMAN & HOOVER

National State Bank Building,

810 Broad St.,

Newark, N. J., June 15, 1922.

Frank D. Schroth, Secretary,
State Board of Taxes and Assessments,
Trenton, New Jersey.

Dear Sir:

I understand that under the amendment of the Tax Act passed last winter, next Monday, June 19th is the day now fixed for hearing objections to the assessments made by the Board on the 2nd Class Railroad property, which has been the subject of the hearings recently concluded. I therefore desire to enter this formal objection on behalf of the D., L. & W. Railroad System against the determination made by the Board as to the valuation of the various parcels of 2nd Class property of the D., L. & W. Railroad Company, to wit: the Jersey City yard comprising about 139 acres, the Hoboken yard of about 41 acres, the Hoboken ferry terminal of about 10 acres, the Manor Tract near the foot of 11th Street at Hoboken containing about 7 acres, the so-called Ocean Steamship Co. Tract containing about 16 acres, and the so-called Ferry Basin adjacent to the 14th Street ferry in Hoboken, upon all of the grounds stated in the petition of appeal heretofore filed and substantiated by the evidence presented before your Board during the recent hearings.

I duly received your letter last week stating that these appeals had been dismissed, but in view of the change in dates made by the statute, I take it that for the purpose of the record, the Board's determination must be taken as a tentative determination and that this formal protest should be filed and that it would be necessary for the Board to again make a formal final determination in order to satisfy the requirements of the statute as amended.

I am writing you fully because an engagement in court will prevent my personal attendance before the Board next Monday.

Yours very truly,

M. M. STALLMAN.

Exhibit E.

Abstracts from the minutes of the State Board of Taxes and Assessment. Same as in United New Jersey Railroad & Canal Co. case.

Exhibit F.

Mr. Jess' proposal, June 6, 1922. Some as in United New Jersey Railroad & Canal Co. case.

Exhibit G.

Final Determination.

July 25, 1922.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey.

Dear Sir:

In pursuance of the provisions of an Act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27, 1888), and the acts amendatory and supplementary thereto, and particularly the amendatory and supplementary act approved February 14, 1922, we, the State Board of Taxes and Assessment, hereby certify and report to you that this Board, on the third Monday of June, after hearing, as provided by law, all parties aggrieved with respect of the valuation and assessment of the railroad property of the Delaware, Lackawanna & Western Railroad System, for the year 1922, after due consideration, have ratified and confirmed such valuations and assessments as hereinbefore made and certified to you on the first Monday in June, 1922.

This certification makes final for the year 1922 the valuations and assessments heretofore made to you as above set forth.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

D., L. & W. R. R. System

Return of Comptroller.

Filed September 22, 1922.

STATE OF NEW JERSEY

Office of the Comptroller of the Treasury.

Trenton, Sept. 22, 1922.

I, N. A. K. BUGBEE, Comptroller of the Treasury, pursuant to the command of the writ of certiorari hereunto attached, and for a return thereto, do certify and return that the annexed schedule is a true copy of the assessment made by the State Board of Taxes and Assessment for taxes against the Delaware, Lackawanna & Western Railroad Company, Lessee of the Morris & Essex Railroad, for the year A. D. nineteen hundred and twenty-two, as returned to me, and as remains of record in my said office.

N. A. K. BUGBEE,
Comptroller of the Treasury.

Certificate.

STATE OF NEW JERSEY

State Board of Taxes and Assessment.

To the Hon. N. A. K. Bugbee,
Comptroller of the State of New Jersey:

In pursuance of the provisions of an act entitled "An Act to revise and amend an act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four" (which revision and amendment was approved March 27th, 1888), and the acts amendatory and supplementary thereto, we, the State Board of Taxes and Assessment hereby certify and report to you the following statement of assessed valuations of the Delaware, Lackawanna & Western Railroad Company, Lessee of the Morris & Essex Railroad, pursuant to the provisions of said act, and of the separate valuation of property in each taxing district, as made by us; the amount of tax payable by said company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon said company, for the year 1922.

Assessed valuation of the Morris & Essex Railroad:

	16,286,082.00	
For Main Stem	*$16,299,470.00*	
For Franchise	936,720.00	17,222,802.00
		$17,236,190.00

For tangible personal property necessary for and used in State Commerce	.....
Total assessable for State uses	17,222,802.00 *$17,236,190.00*
For real estate used for railroad purposes, other than main stem	25,980,623.00 *26,150,191.00*
Aggregate assessed valuation	43,203,425.00 *$43,386,381.00*
Tax for State uses, at average tax rate of $3.561 per $100 valuation	613,303.98 *$613,780.73*
Tax for uses of taxing districts on real estate used for railroad purposes, other than main stem, at local rates	976,970.45 *984,474.25*
Total Tax	1,590,274.43 *$1,598,254.98*

(Figures in Italics were erased.)

Received May 29, 1922.

Revised Return, July 25, 1922.

STATE BOARD OF TAXES AND ASSESSMENT,

JAMES BAKER, President
FRANK B. JESS
HARRY W. MUTCHLER
M. R. MARGERUM
ISAAC BARBER

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the Delaware, Lackawanna & Western R. R. Co., Lessee of the Morris & Essex Railroad Company, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

County	Taxing District	Value	Local Tax
Hudson	Hoboken City		
(Old)	$6,756,669.00	$282,293.63	
(Weehawken add.)			
	114,375.00	4,714.54	
		$6,871,044.00	$287,008.17
	Jersey City	14,851,114.00	512,066.41
	Kearny, Town of	18,195.00	606.26
	Harrison, Town of	131,448.00	3,382.16
		722,501.00	27,310.54
Essex	Newark City	**806,649.00**	**30,491.33**
	East Orange City	54,798.00	1,709.70
	Orange City	243,678.00	9,308.50
		187,530.00	5,588.39
	South Orange Village	**197,636.00**	**5,889.55**
	South Orange Township	14,388.00	385.60
	Millburn Township	68,589.00	1,975.36
Union	Summit City	103,225.00	3,602.55
		60,866.00	3,822.38
Morris	Chatham Borough	**69,701.00**	**4,377.22**
		98,261.00	4,480.70
	Madison Borough	**108,132.00**	**4,930.82**
	Morris Township	21,773.00	755.52
	Town of Morristown	167,866.00	6,966.44
	Hanover Township	17,628.00	779.16
	Denville Township	6,389.00	234.48
	Rockaway Township	10.00	.49
	Rockaway Borough	5,050.00	205.54
	Randolph Township	131,721.00	5,808.90
		81,049.00	3,874.14
	Dover, Town of	**84,423.00**	**4,035.42**
	Wharton Borough	2,614.00	176.71
		1,247.00	34.54
	Jefferson Township	**2,430.00**	**67.31**
		225,956.00	9,241.60
	Roxbury Township	**225,536.00**	**9,224.42**

County	Taxing District	Value	Local Tax
		27,188.00	1,315.90
	Netcong Borough	**31,931.00**	**1,545.46**
	Mt. Olive Township	3,443.00	114.65
Warren	Hackettstown, Town of	16,848.00	707.62
	Mansfield Township	3,086.00	127.76
	Washington Township	2,249.00	60.27
		39,931.00	1,661.13
	Washington Borough	**44,510.00**	**1,851.62**
	Franklin Township	9,708.00	265.03

Figures in bold face type have been erased.

Schedule of Assessments.

STATE OF NEW JERSEY,

State Board of Taxes and Assessment.

Schedule showing valuation of property of the Delaware, Lackawanna & Western R. R. Co., Lessee of the Morris & Essex Railroad Company, used for Railroad purposes, other than Main Stem, in the taxing Districts of the State of New Jersey, together with the tax thereon, for Local uses, for the year 1922.

County	Taxing District	Value	Local Tax
Warren	Greenwich Township	$3,237.00	$100.35
	Hopatcong Township	1,160.00	40.83
	Phillipsburg, Town of	84,370.00	3,012.01
		$24,408,469.00	**$901,951.33**
	Total for Main Line	24,282,050.00	896,867.50
	BOONTON BRANCH		
Hudson	Jersey City	$122,894.00	$4,237.39
	Secaucus Borough	462,617.00	15,816.88
		915,472.00	52,273.45
Bergen	Lyndhurst Township	**953,208.00**	**54,428.18**
Passaic	Clifton City	31,876.00	1,037.25
	Passaic City	46,948.00	1,538.02
	Paterson City	18,787.00	626.36
	Totowa Borough	5,054.00	155.26
	Wayne Township	4,343.00	109.36
Morris	Pequannock Township	2,212.00	87.15

Reasons.

	18,899.00	926.05
Montville Township	**24,312.00**	**1,191.29**
Boonton, Town of	38,510.00	1,990.97
Boonton Township	502.00	22.19
Hanover Township	18,932.00	859.58
Denville Township	11,527.00	423.04
	1,698,573.00	80,102.95
Total for Branch	**$1,741,722.00**	**$82,522.92**
	25,980,623.00	976,970.45
Total for Main Line and Branch	**$26,150,191.00**	**$984,474.25**

(Figures in bold face type have been erased.)

Reasons.

Filed October 2, 1922.

The reasons in this case are similar to those in the United New Jersey Railroad & Canal Co. case.

Rule for Judgment.

Entered Dec. 14th, 1923.

NEW JERSEY SUPREME COURT.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT, *et al.*, Defendants.	On Certiorari. Rule for Judgment.

(June Term, 1923—No. 211.)

This matter coming on to be heard in the June, 1923, term, of this Court, in the presence of M. M. Stallman, Counsel for the prosecutor, and Edward P. Stout, counsel for defendants, on return of the writ of certiorari in this cause, with proofs taken therein, and the Court having inspected the said writ, and the reasons filed, and the proofs taken; and having heard the arguments of counsel thereon, and considered the same, and being of opinion that certain of the assessments complained of should be affirmed and others should be modified and reduced as being unreasonable and excessive.

It is Ordered that the following assessments be and the same are hereby affirmed.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD SYSTEM.

Lands outside of Main Stem (Second Class)

Taxing District of Hoboken.

Hoboken Ferry Co.—Block 230, Lot A, Ferry terminal foot of Hudson Place; Area 10.315 acres	$990,240
Hudson Realty Co.—"Manor" Tract, foot of 11th St. East of Hudson St. to Pierhead line, Area 7.621 acres	$495,365
Hudson Realty Co.—"Ocean S. S." tract, foot of 11th St. Hudson St. to Pier Head line, Area 16.136 acres	$1,110,157

And it is further Ordered and Adjudged

That the assessments of the following parcels be and the same are hereby reduced and fixed at valuations for the year 1922 as stated:

DELAWARE, LACKAWANNA AND WESTERN RAILROAD SYSTEM.

Lands outside of Main Stem (Second Class)

Taxing District of Jersey City.

Morris and Essex Railroad Co.—Block 19, Lot C. Terminal Yard, Between Henderson Street and Pier Head Line, Hoboken City Line to Erie Railroad Yard, Area 131.84 acres	$10,547,200

Taxing District of Hoboken.

Morris and Essex Railroad Co.—Block 139, Lot B. Main Terminal Yard, between Pier Head Line and Henderson St., Jersey City line to Ferry St. and Public Service Terminal, Area 40.068 acres	3,205,440
Hoboken Ferry Co.—Block 263, Part Lot B2, Upper Ferry Basin, foot of 14th Street, Hoboken, Area 1.525 acres	99,125

Main Stem (First Class)

Taxing District of Jersey City.

Morris and Essex Railroad Co.—Henderson St. to Hoboken City Line, Area 3.240 acres	275,400

Taxing District of Hoboken.

Morris and Essex Railroad Co.—Jersey City Line to Bulk Head Line, Area 3.728 acres	316,880

and that the said assessments be corrected accordingly.

Rule entered on motion of

M. M. STALLMAN,
Attorney of Prosecutor.

on the 14th day of December, 1923.

A true copy.

EDWARD J. KELLEHER,
Clerk.

11/23/23

Notice of Appeal.

Served Jan. 16th, 1924.

Filed Jan. 18th, 1924.

NEW JERSEY SUPREME COURT.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY, Prosecutor, vs. STATE BOARD OF TAXES AND ASSESSMENT, NEWTON A. K. BUGBEE, Comptroller of the Treasury, and THE MAYOR AND ALDERMEN OF JERSEY CITY, and THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN, Defendants.	On Certiorari. Notice of Appeal.

To M. M. Stallman,
Attorney for Prosecutor:

Take Notice, that the Defendants in the above entitled cause appeal to the New Jersey Court of Errors and Appeals from so much of the Judgment entered in the New Jersey Supreme Court in said cause, as Orders and Adjudges as follows:

"And it is Further Ordered and Adjudged, that the assessments of the following parcels be and the same are hereby reduced and fixed at valuations for the year 1922 as stated:

DELAWARE, LACKAWANNA AND WESTERN RAILROAD SYSTEM.

Lands outside Main Stem (Second Class)	
Taxing District of Jersey City.	
Morris & Essex Railroad Co. Block 19, Lot C, Terminal Yard, Between Henderson St. and Pier Head Line, Hoboken City Line to Erie Railroad Yard, Area 131.84 Acres	$10,547,200
Taxing District of Hoboken.	
Morris & Essex Railroad Co. Block 139, Lot B, Main Terminal Yard, Between Pier Head Line and Henderson St., Jersey City Line to Ferry St. and Public Service Terminal, Area 40.068 Acres	$3,205,440
Hoboken Ferry Co. Block 263, Part Lot B2, Upper Ferry Basin, foot of 14th Street, Hoboken, Area 1.525 Acres	$99,125
Main Stem (First Class)	
Morris & Essex Railroad Co. Henderson St. to Hoboken City Line, Area 3.240 acres	$275,400
Taxing District of Hoboken.	
Morris and Essex Railroad Co.— Jersey City Line to Bulk Head Line, Area 3.728 acres	$316,880

and that said assessments be corrected accordingly

And that the prosecutor recover its costs to be taxed," on the following grounds:

1. The assessed valuations of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by Prosecutor's experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and

determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided Board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and Prosecutor having failed to show that said assessments were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess, the Supreme Court, therefore, should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determination of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

EDWARD P. STOUT,
Attorney for Defendants-Appellants.

Deputization.

Filed Jan. 17th, 1924.

NEW JERSEY COURT OF ERRORS AND APPEALS.

Filed Jan. 17th, 1924.

UNITED NEW JERSEY RAILROAD & CANAL COMPANY, a Corporation, THE PENNSYLVANIA RAILROAD COMPANY, Lessee, Prosecutors-Respondents, vs. STATE BOARD OF TAXES AND ASSESSMENT and NEWTON A. K. BUGBEE, State Comptroller, et al., Defendants-Appellants.	
NEW YORK BAY RAILROAD COMPANY, a Corporation, THE PENNSYLVANIA RAILROAD COMPANY, Lessee, Prosecutors-Respondents, vs. SAME, Defendants-Appellants.	On Appeal From Supreme Court.
CENTRAL RAILROAD COMPANY OF NEW JERSEY, a Corporation, Prosecutor-Respondent, vs. SAME, Defendants-Appellants.	On Review of Assessments of First and Second-Class Railroad Properties for the Year 1922.
LONG DOCK COMPANY, a Corporation, Prosecutor-Respondent, vs. SAME, Defendants-Appellants.	Deputization.
LEHIGH VALLEY RAILROAD COMPANY OF NEW JERSEY, a Corporation, Prosecutor-Respondent, vs. SAME, Defendants-Appellants.	
DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY, Prosecutor-Respondent, vs. SAME, Defendants-Appellants.	

Deputization

I, Thomas F. McCran, Attorney General of the State of New Jersey, do hereby deputize Edward P. Stout, as Special Deputy Attorney General of the State of New Jersey to appear before the New Jersey Court of Errors and Appeals in the above entitled cases, on behalf of the Appellants above named.

THOMAS F. McCRAN,
Attorney General of the State of New Jersey.

Exhibits of Railroad Companies.

Exhibit P1.

List of sales of water front property. Superseded by Exhibit P. 24.

Exhibit P2.

Map entitled "Lands on the water front of Hudson River and New York Bay in Municipalities of Hudson and Bergen Counties, New Jersey: Dec. 1921." Same as Exhibit P. 25.

Exhibit P3.

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By ROBERT HUNTLEY

Block	Lot	Description	Area in Acres	Rate	Total Value
1507	Main Stem	Greenville Terminal. Morris Canal to Bulkhead line	12.731	$15,000	$ 190,965
1507	Terminal Tract	Greenville between Morris Canal and exterior line for piers	343.137	15,000 } 5,000 }	4,094,055
8	Main Stem	Main Yard from Washington St. to Bulkhead line	2.932	80,000	234,560
8	Main Terminal Tract	Washington St. to exterior line for piers	30.564	80,000	2,445,120
8	P. R. R. Ferry	Foot of Exchange Place, J. C.	3.623	80,000	289,840
15	Main Stem	Harsimus Yard, Henderson St., to west of Bulkhead line	6.682	65,000	434,330
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead Line	98.835	65,000	6,424,275
239 260	Hoboken Shops	Land at Castle Point on Hudson River, Shore Road to exterior line for piers	8.249	50,000	412,450

The foregoing appraisals are as of Jany 1, 1921.

Exhibit P4.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By ROBERT HUNTLEY

Block	Lot	Description	Area in Acres	Rate	Total Value
2176	West Shore Ferry Weehawken	N. J. Junction Main Stem to Pierhead Line	20.795	$45,000	$ 935,775
2176	Terminal Yard Weehawken	North of Ferry Main Stem to Pierhead Line	59.720	40,000	2,388,800
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.370	2,500	875
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.155	2,500	387.50
2176	Land outside Main Stem	West of N. Y. Junction Main Stem "Y" to West New York line	1.258	2,500	3,145
2176	Land outside Main Stem	3 parcels west of N. J. Junction Main Stem at "Y" and north to West New York line	3.680	2,500	9,200
2178 2247	Terminal Yard, West New York	From Weehawken line to N. Y. O. & W. Coal Pier property	114.281	40,000	4,571,240
2178	Land outside Main Stem	West of N. Y. & Fort Lee R. R. Main Stem and north of Weehawken. Line	9.740	5,000	48,700

40 30 20 10

Exhibit P4

Block	Lot	Description	Area in Acres	Rate	Total Value
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad property	2.224	5,000	11,120
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad property	2.159	5,000	10,795
2176	Main Stem	From Bulkhead Line at West Shore Ferry running through Terminal Yard and north 1040'	8.371	40,000	334,840
2178	Main Stem	From Weehawken line running north	2.755	40,000	110,200
2173	Main Stem	From Clifton Rd. running south	2.502	40,000	100,080
2178 2247	Main Stem	Weehawken line north to N. Y. O. & W. Railroad property	9.970	40,000	398,800
2163 2173 2176	Main Stem	From Park Ave. Weehawken to West New York line	16.931	25,000	423,275
2247	Main Stem	Back of American Cotton Oil Co. property, Guttenberg, West New York line, south	0.243	40,000	9,720
2257	Main Stem	Back of American Cotton Oil Co. property, Guttenberg	0.670	25,000	16,750
2259 2264 2263	Main Stem	Guttenberg Line to Bergen Co. line	5.200	15,000	78,000

The foregoing appraisals are as of Jany. 1, 1921.

Exhibit P5.

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By ROBERT HUNTLEY

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	43 Main Stem	Jersey Ave. to 160′ west of Van Vorst St., J. C.	5.941	$25,000	$ 148,525
2145	42 Main Stem	160′ west of Van Vorst St. to Washington St., J. C.	2.433	45,000	109,485
2145	Main Stem	Washington St. to Bulkhead line, J. C.	2.835	55,000	155,815
2145	41-C Main Stem	Lehigh Valley Main Line to center line Mill Creek, J. C.	4.362	10,000	43,620
60	30 Main Stem	Van Vorst St. to Warren St., J. C.	0.518	25,000	12,950
2145	45-C	Land outside Main Stem north and south from 160′ west of Van Vorst St. extended to center line Jersey Ave. extended, J. C.	25.673	25,000 } 12,500 }	579,375
2145	45-D	Land outside Main Stem north and south of Main Stem from center line of Wash. St. extended to 160′ west of Van Vorst St. extended, J. C.	10.100	45,000	454,500

40 30 20 10

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2145	38-A 45-A	Terminal tract, Hudson River, J. C.	38.380		43,600	1,579,370
1500 1494	1B—3B 2A—B—C 2D—E 4B	Claremont Yard at Caven Point	42.831		7,500	321,232
1492	4A					
1497	3	Land outside Main Stem, National Storage Co. from Caven Point Road to exterior line for piers, J. C.	88.365		15,000	1,325,475

The foregoing appraisals are as of Jany. 1, 1921.

ROBERT HUNTLEY.

Exhibit P6.

CENTRAL RAILROAD COMPANY OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By ROBERT HUNTLEY

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	Main Stem	Terminal tract 160′ west of Van Vorst St. to bulkhead line, J. C.	5.464	$50,000	$ 283,200
2145	Main Stem	Terminal tract 160′ west of Van Vorst St. to Center line Jersey Ave. extended, J. C.	6.302	20,000	126,040
	Main Stem	Beginning to Highway, Bayonne	7.504	15,000	112,560
	Main Stem	Highway to end of line, Bayonne	4.580	15,000	68,700
	Main Stem	2,000′ back to End, Bayonne	4.028	20,000	80,560
	Terminal Tract	160′ west of Van Vorst St. to Pierhead Line, J. C.	97.063	50,000	4,853,150
2145	48-D	Philip St. to Pierhead Line, New York Bay, J. C.	71.30	20,000	1,426,000
2154	22-G	Philip St. Branch to Pierhead Line, New York Bay, J. C.	84.724	15,000	1,270,860
2154	Part 22-J	Philip St. to Pierhead Line, New York Bay, J. C.	96.049	17,500	1,680,857
2145	Land outside Main Stem	South of Main Stem, 160′ west of Van Vorst St. to Jersey Ave., J. C.	28.718	20,000	574,600

10 20 30 40

Exhibit P6

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2145	Land outside Main Stem	North of Main Stem, 160′ west of Van Vorst St. to Jersey Ave., J. C.	24.613		20,000	492,260
2048	H	Center line Jersey Ave. extended to National Docks Branch, Lehigh Valley, J. C.	3.120		10,000	31,200
2148	S	Communipaw Ave. and Philip St., J. C.	19.611		10,000	196,110
2154	22-D	S. E. of Philip St. foot of Communipaw Ave.	5.610		10,000	56,100
2145	25-A 25-D	Jersey Ave. if extended, south of Morris Canal.	3.352		10,000	39,860
	Port Johnston	2,000′ back of Pierhead line to Pierhead line, Kill von Kull, Bayonne	19.342		20,000	386,840

The foregoing appraisals are as of Jany. 1, 1921.

ROBERT HUNTLEY.

Exhibit P7.

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By ROBERT HUNTLEY

Block	Lot	Description	Area in Acres	Rate	Total Value
17	Main Stem Jersey City	Hudson St. to bulkhead line	6.257	$65,000	$ 406,705
218	Main Stem Jersey City	Henderson, Grove and 11th Sts.	0.924	80,000	73,920
16	B-6	Terminal Tract south of Pavonia Ave.	16.555	65,000	1,076,075
17	A-2	Terminal Tract south of Pavonia Ave.	67.830	65,000	4,408,950
16	Pavonia Ave. Ferry	Tract under water foot of Pavonia Ave.	2.816	65,000	183,040
16	Pavonia Ave. Ferry	Tract under water foot of Pavonia Ave.	3.164	65,000	205,660

The foregoing appraisals are as of Jany. 1, 1921.
ROBERT HUNTLEY.

40 30 20 10

Exhibit P8.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY
APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

By ROBERT HUNTLEY

Block	Lot	Description	Area in Acres	Rate	Total Value
19	Jersey City Terminal	Hudson St. to Pierhead Line	131.840	$65,000	$8,569,600
139	Hoboken Terminal	Henderson St. to Pierhead Line	40.068	65,000	2,604,420
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	75,000	773,625
260	Manor property	Foot 11th St., Hoboken	7.621	55,000	419,155
240 } 261 }	Ocean S. S. Co. property	Hudson St. between 11th and 12th Sts., Hoboken	16.136	60,000	968,160
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	60,000	91,500
19	Main Stem Jersey City Terminal Yard	Henderson St. to Hoboken line	3.240	65,000	210,600
139	Main Stem Hoboken Terminal Yard	Jersey City Line to Bulkhead Line	3.728	65,000	242,320

The foregoing appraisals are as of Jan. 1, 1921.
ROBERT HUNTLEY

Exhibit P9.

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By THOS. A. RYER

Block	Lot	Description	Area in Acres	Rate		Total Value
1507	Main Stem	Greenville Terminal. Morris Canal to Bulkhead line	12.731	$13,200		$ 168,049
1507	Terminal Tract	Greenville between Morris Canal and exterior line for piers	343.137	Filled land 237.837 acres @ $13,200 per acre	$3,139,448	
				Land under water 105.3 acres @ $5,000 per acre	526,500	
						3,665,948
8	Main Stem	Main Yard from Washington St. St. to Bulkhead line	2.932	87,120		255,435
8	Main Terminal Tract	Washington St. to exterior line for Piers	30.564	Frontage of 865' on Pierhead line and depth of 1,200' @ $2,000 per front foot (23.829 acres @ $72,600 per acre)	$1,730,000	
				Residue of 6.735 acres @ $87,120 per acre	566,753	
						2,296,753

40 30 20 10

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre		Total Value
8	P. R. R. Ferry	Foot of Exchange Place, J. C.	3.623		Frontage of 240′ on O Pierhead line and depth of 657′ average @ $1,200 per front foot. (3.623 acres @ $79,400 per acre)		288,000
15	Main Stem	Harsimus Yard, Henderson St., to west of Bulkhead line	6.682		$65,340		436,601
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead line	98.835		Frontage of 1,000′ on Pierhead line and depth of 1,200′ @ $2,000 per front foot (27.548 acres @ $72,600 per acre)	$2,000,00	
					8.978 acres @ $87,120 per acre)	$2,000,000	
					Frontage of 830′ on Pierhead line and depth of 1,650′ @ $2,000 per front foot. (31.439 acres @ $52,800 per acre)	1,660,000	
					30.870 acres @ $65,340 per acre	2,017,045	
							6,459,208
239 260	Hoboken Shops	Land at Castle Point on Hudson River, Shore Road to exterior line for Piers.	8.249		54,450		449,058

The foregoing appraisals are as of Jany. 1, 1921.

THOS. A. RYER.

Exhibit P9

1670

Exhibit P10.

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By THOS. A. RYER

Block	Lot	Description	Area in Acres	Rate	Total Value
1383	1 Main Stem	Merritt St. to Morris Canal, J. C.	1.476	$ 6,000	$ 8,856
1390	1 Main Stem	Ave. C to Garfield Ave., J. C.	1.602	8,000	12,816
1510	8-B B-1 Main Stem	Brown Place to Linden Ave., J. C.	2.911	10,000	29,110
1505	A Main Stem	Linden Ave. to Chapel Ave., J. C.	4.444	10,000	44,440
1492	Main Stem	Chapel Ave. north, J. C.	4.084	6,000	24,504
1492	4 Main Stem	South of Claremont Yard, J. C.	1.453	7,200	10,461
1491	1-A Main Stem	Caven Point Rd., south, J. C.	3.130	7,200	22,536
2020 2033	3 7 Main Stem	Caven Point Rd. to Central R. R. "Y," J. C.	5.769	8,600	49,613
2033	5 6 Main Stem	C. R. R. "Y" to Newark & N. Y. Branch, C. R. R., J. C.	0.826	10,000	8,260

40 30 20 10

Exhibit P10

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2047	25 Main Stem	Communipaw Ave. to Newark & N. Y. Branch, C. R. R., J. C.	0.971		16,000	15,536
2048	A-1 Main Stem	Communipaw Ave. to Johnston Ave., J. C.	3.352		16,000	53,632
2145	Main Stem	Johnston Ave. to Jersey Ave., J. C.	1.607		16,000	25,712
2145	43 Main Stem	Jersey Ave. to 160′ west of Van Vorst St., J. C.	5.941		21,277	126,406
2145	42 Main Stem	160′ west of Van Vorst St. to Wash. St., J. C.	2.433		44,356	107,918
2145	Main Stem	Wash. St. to Bulkhead line, J. C.	2.835		47,400	134,379
2145	41-C Main Stem	Lehigh Valley Main Line to center line Mill Creek, J. C.	4.362		12,000	52,344
60	30 Main Stem	Van Vorst St. to Warren St., J. C.	0.518		24,000	12,432
2114½	C	Montgomery to Grant St., J. C.	3.753		12,000	45,036
2115	B					
2139	1 Main Stem					
2143	D Main Stem	Grant St. to Pacific Ave.	1.264		20,000	25,280
2144	Main Stem	Pacific Ave. at Morris Canal, J. C.	0.019		20,000	380
2095½	A Main Stem	Morris Canal to Johnston Ave., J. C.	3.826		12,000	45,912

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2048	B-1 Main Stem	Johnston Ave. and Main Line, J. C.	0.087		16,000	1,392
2048	C Main Stem	South of Johnston Ave., J. C.	0.766		16,000	12,256
2048	M Main Stem	Communipaw and Wilson Aves., J. C.	0.619		12,000	7,428
2154	Part 11 Main Stem	Communipaw Ave. to Philip St., J. C.	6.905		10,000	69,050
2154	Part 11 Main Stem	Phillip St. to Caven Point Rd., J. C.	1.164		7,200	8,380
1492	6 Main Stem	Caven Point Rd. to Chapel Ave., J. C.	11.209		7,200	80,704
1507	Part 7 Main Stem	Chapel Ave. to Linden Ave., J. C.	4.506		10,000	45,060
1507	Part 7 Main Stem	Linden Ave. to Morris Canal, J. C.	1.302		10,000	13,020
1510	12 Main Stem	At Morris Canal, J. C.	0.503		10,000	5,030
1510	11 Main Stem	At Brown Place, J. C.	0.195		10,000	1,950
2154	13 Main Stem	National Docks Branch to Natl. Storage Fence, J. C.	4.401		10,000	44,010
1494	Part M Main Stem	Part "Y" at Caven Point Rd., J. C.	0.905		7,200	6,516
1494	Part M Main Stem	Part "Y" at Caven Point Rd., J. C.	2.559		7,200	18,424

40 30 20 10

Block	Lot	Description	Area in Acres	Rate		Total Value
1492	3-B	Land outside Main Stem, Chapel Ave. no. to Canal, J. C.	7.335	7,200		52,812
1492	4-C	Land outside Main Stem at Claremont Yard, J. C.	0.280	7,200		2,016
1491	Part 1-A	Land outside Main Stem, south of Caven Point Road, J. C.	0.850	7,200		6,120
2020	3-A	Land outside Main Stem, Caven	0.790	8,600		7,163
2033	5-A	Point Road to Newark & N. Y.				
	7-A	Branch, C. R. R., J. C.				
2145	45-A	Land outside Main Stem, National Docks Branch to Jersey Ave., J. C.	3.497	16,000		55,952
2145	41-B	Land outside Main Stem, Morris Canal to Jersey Ave., J. C.	13.650	12,000		163,800
2145	45-C	Land outside Main Stem north and south from 160′ west of Van Vorst St. extended to center line Jersey Ave., extended, J. C.	25.673	Frontage of 2,120′ on Tide water Basin and depth of 418.15′ @ $220 per front ft. (20.35 acres @ $22,900 per acre)	$466,400	
				Residue of 5.323 acres @ $15,000 per acre	79,845	
						546,245
2145	45-D	Land outside Main Stem, north and south of Main Stem from center line of Wash. St. extended to 160′ west of Van Vorst St. extended, J. C.	10.100	Frontage of 1,120′ on Tide-water Basin and depth of 418.15′ @ $400 per front ft. (10.100 acres @ $44,356 per acre)		448,000

Block	Lot	Description	Area in Acres	Rate		Total Value
2145	38-A 45-A	Terminal tract, Hudson River, J. C.	38.380	Frontage of 973′ on Hudson River and depth of 1,717′ average @ $1,872 per front ft. (38.380 acres @ $47,400 per acre)		1,821,319
1500	1-B—3B	Claremont Yard at Caven Point	42.831	7,200		308,383
1494	2A—B—C 2D—E 4B					
1492	4A					
2154	14-23	Land outside Main Stem between Communipaw Ave. and Natl. Storage Co.	3.035	10,000		30,350
1497	3	Land outside Main Stem, National Storage Co., from Caven Point Road to exterior line for piers, J. C.	88.365	13,200		1,166,418
7	Main Stem	Newark Bay to Hudson Co. Boulevard, Bay.	1.056	6,000		6,336
8	Main Stem	Hudson Co. Boulevard to Ave. B, Bay.	1.070	6,000		6,420
	Main Stem	Jersey City line to C. L. Packard ditch, Bay.	16.414	10,000		164,140
B & C	Main Stem	C. L. Packard ditch to Orford Copper Co., Bay.	12.999	11.789 acres @ 10,000 1.21 acres @ 15,000	$117,890 18,150	
						136,040

40 30 20 10

Block	Lot	Description	Area in Acres	Rate	Total Value
C	Main Stem	Orford Copper Co. to end at Bergenport Chem. Co., Bay.	1.106	15,000	16,590
0-1-3-5	Main Stem	From Main line Lehigh Valley near Hudson Co. Boulevard to J. C. line at Morris Canal, Bay.	1.230	6,000	7,380
		Land outside Main Stem excess width National Docks Branch in Bay.	0.303	10,000	3,030

The foregoing appraisals are as of Jany. 1, 1921.
THOS. A. RYER.

Exhibit P11.

CENTRAL RAILROAD COMPANY OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By THOS. A. RYER

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	Main Stem	Terminal tract 160′ west of Van Vorst St., to Bulkhead line, J. C.	5.464	$40,400	$220,745
2145	Main Stem	Terminal tract 160′ west of Van Vorst St., to center line Jersey Ave., extended, J. C.	6.302	20,000	126,040
	Main Stem	Bayonne-Jersey City line to exterior line of Center St., Bayonne.	3.624	10,000	36,240
	Main Stem	Center line of Center St., to center line of E. 32nd St., Bayonne.	8.898	12,000	106,766
	Main Stem	Center line of E. 32nd St., to center line of E. 30th St., Bayonne.	1.889	12,000	22,668
	Main Stem	Center line of E. 30th St., to E. 22nd St., Bayonne.	5.841	12,000	70,092
	Main Stem	21st St., to Linnet St., Bayonne.	7.514	12,000	90,168
	Main Stem	Linnett St., to Ave. D, Bayonne.	0.851	12,000	10,212

Block	Lot	Description	Area in Acres	Rate		Total Value
	Main Stem	Ave. C to center line Hudson Co., Boulevard, Bayonne.	2.495	10,000		24,950
	Main Stem	Beginning to Highway, Bayonne.	7.504	12,000		90,048
	Main Stem	Highway to end of line, Bayonne.	4.359	15,000		65,385
	Main Stem	2,000′ back to 2nd Bayonne.	4.028	20,000		80,560
2145	Terminal Tract	160′ west of Van Vorst St., to Pierhead line, J. C.	97.063	Frontage of 2,070′ average on Pierhead line and depth of 1,200′ average. (57.024 acres @ $43,560 per acre)	$2,484,000	
				Residue of 40.039 acres @ $36,000 per acre	1,441,404	
						3,925,404
2145	48-D	Philip St., to Pierhead Line, New York Bay, J. C.	71.30	Frontage of 1,000′ on Pierhead line and depth of 1,300′ at $650 per front foot. (29.82 acres @ $25,150 per acre)	650,000	
				Residue of 41.48 acres @ $12,000 per acre	497,760	
						1,147,760
2154	22-G	Philip St., Branch to Pierhead Line, New York Bay, J. C.	84.724	Frontage of 670′ on Pierhead line and depth of 1,300′ @ $600 per front ft. (20 acres @ $21,000 per acre)	402,000	
				Residue of 64.724 acres @ $12,000 per acre	775,688	
						$1,177,688

Block	Lot	Description	Area in Acres	Rate		Total Value
2154	Part 22-J	Philip St., to Pierhead Line, New York Bay, J. C.	96.049	Frontage of 802′ on Pierhead line and depth of 2,000′ @ $1,200 per front ft. (33.654 acres @ $28,500 per acre)	962,400	
				Residue of 62.395 acres at $10,000 per acre	623,950	
						1,586,350
2145	Land outside Main Stem	South of Main Stem, 160′ west of Van Vorst St., to Jersey Ave., J. C.	28.718	$16,000		$ 459,488
2145	Land outside Main Stem	North of Main Stem, 160′ west of Van Vorst St., to Jersey Ave., J. C.	24.613	20,000		492,260
2048	H	Center line Jersey Ave., extended to National Docks Branch, Lehigh Valley, J. C.	3.120	16,000		49,920
2148	S	Communipaw Ave., and Philip St., J. C.	19.611	12,000		235,332
2154	22-D	S. E. of Philip St., foot of Communipaw Ave., J. C.	5.610	12,000		67,320
2154	25-A 25-D	Jersey Ave., if extended, south of Morris Canal.	3.352	13,200		44,246
	Port Johnston	2,000′ back of Pierhead line to Pierhead line, Kill von Kull, Bayonne.	19.342	20,000		386,840

The foregoing appraisals are as of January 1, 1921.

THOS. A. RYER.

Exhibit P12.

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

BY THOS. A. RYER

Block	Lot	Description	Area in Acres	Rate	Total Value
1435	Main Stem Kearny	Entire Main Stem	3.790	1.6 acres @ $1,500 = $2,400 2.190 acres @ $500 = 1,095	$ 3,495
17	Main Stem Jersey City	Henderson St., to Bulkhead line	6.257	58,900	368,537
218	Main Stem Jersey City	Henderson, Grove and 11th Sts.	0.924	82,250	76,000
16	B-6	Terminal tract south of Pavonia Ave.	16.555	70,500	1,167,666
17	A-2	Terminal tract north of Pavonia Ave.	67.830	Frontage of 1,010′ on Pierhead line and depth of 1,689′ average at $2,400 per front foot. (39.161 acres @ $61,900 per acre = 1,573,943 Residue 28.669 acres @ $54,900 per acre = 1,573,934	$3,997,943

Block	Lot	Description	Area in Acres	Rate	Total Value
16	Pavonia Av. Ferry	Tract under water foot Pavonia Ave.	2.816	Frontage of 130′ on Pierhead line and depth of 945′ average @ $1,205 per front foot (2.816 acres @ $55,700 per acre)	156,851
16	Pavonia Av. Ferry	Tract under water foot Pavonia Ave.	3.164	Frontage of 147.09′ on Pierhead line and depth of 939′ average @ $1,200 per front foot. (3.164 acres @ $55,700 per acre)	176,508
1435	Main Stem Kearny	Beginning to Arlington R. R.	0.560	500	$ 280
1435 1437 1544	Main Stem Kearny	Arlington R. R. to end at Sandford Ave.	27.740	500	13,870
1435	Land outside Main Stem	East from Arlington R. R.	0.745	500	372
1435	Land outside Main Stem	West of Arlington R. R.	0.367	500	183
1435	Land outside Main Stem	South of Main Stem, Arlington R. R. to Bellville Turnpike	3.627	500	1,818
1435		North of Main Stem, Arlington R. R. to Bellville Turnpike	3.328	500	1,664
1437	Land outside Main Stem	On Bellville Turnpike	1.699	500	849
1437	Land outside Main Stem	On Bellville Turnpike	0.688	500	344
1437	Land outside Main Stem	North of Main Stem Bellville Turnpike to Bergen Ave.	4.803	500	2,400

40 30 20 10

Block	Lot	Description	Area in Acres	Rate		Total Value
1437	Land outside Main Stem	South of Main Stem Bellville Turnpike to Bergen Ave.	4.803	500		2,400
1544	Land outside Main Stem	North of Main Stem Bergen to Sandford Ave.	1.124	500		562
1544	Land outside Main Stem	South of Main Stem, Bergen Ave. west	3.305	500		1,652
1435 1436	Main Stem	Hackensack River to Bellville Turnpike	15.776	500		7,888
1437 1438	Main Stem	Bellville Turnpike to Forrest Ave.	14.643	12,826 acres @ 500 per acre 1.817 acres @ 5,000 per acre	$6,413 9,085	15,498
1436	Land outside Main Stem	North of Main Stem, Hackensack River to Bellville Turnpike	4.950	500		2,475
1436	Land outside Main Stem	South of Main Stem, Hackensack River to Bellville Turnpike	5.046	500		2,523
1438	Land outside Main Stem	Bellville Turnpike	0.537	500		268
1437	Land outside Main Stem	Bellville Turnpike	1.383	500		691
1544	Land outside Main Stem	No. of Main Stem east of Schuyler Ave.	0.489	1,000		489

The foregoing appraisals are as of January 1, 1921.
THOS. A. RYER.

Exhibit P13.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

BY THOS. A. RYER

Block	Lot	Description	Area in Acres	Rate		Total Value
19	Jersey City Terminal	Hudson St., to Pierhead Line	131.840	Frontage of 1,500′ on Pierhead line and depth of 1,600′ at $2,600 per front foot. (55.096 acres @ $70,800 per acre)	$3,900,000	
				Residue of 76.744 acres @ $45,740 per acre	3,510,325	
						$7,410,325
139	Hoboken Terminal	Henderson St., to Pierhead Line	40.068	Frontage of 700′ average x 1,600′ on pierhead line and depth of 1,600′ @ $2,600 per front foot (24.111 acres @ $70,800 per acre)	1,706,720	
				Residue 15.957 acres @ $47,343 per acre	755,460	
						2,462,180

Block	Lot	Description	Area in Acres	Rate	Total Value
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	$80,000	825,200
260	Manor property	Foot 11th St., Hoboken	7.621	Frontage of 332.88′ on Pierhead line and depth of 900′ average @$1,300 per front foot. (7.621 acres @ $56,628 per acre)	431,561
240	X	Hudson St., vrt. 11th and 12th Sts., Hoboken	16.136	Frontage of 540′ on Pierhead line and depth of 1,309.78′ average @ $1,800 per front foot. (16.136 acres @ $60,000 per acre)	968,160
261	Ocean S. S. Co. property				
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	Frontage of 69′ on Pierhead line and depth of 963′ average @ $1,150 per front foot. (1.525 acres @ $52,272 per acre)	79,714
19	Main Stem Jersey City Terminal Yard	Henderson St., to Hoboken Line	3.240	56,200	182,088
139	Main Stem Hoboken Terminal Yard	Jersey City Line to Bulkhead Line	3.728	61,450	229,085

The foregoing appraisals are as of January 1, 1921.

THOS. A. RYER.

Exhibit P14.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

BY THOS. A. RYER

Block	Lot	Description	Area in Acres	Rate		Total Value
2176	West Shore Ferry Weehawken	N. J. Junction Main Stem to Pierhead Line	20.795	Frontage of 530′ on Pierhead Line and depth of 1,000′ at $1,200 per front foot. (12.167 acres at $52,300 per acre)	$636,000	
				Residue of 8.628 acres at $30,000 per acre	258,840	
						$894,840
2176	Terminal Yard Weehawken	North of Ferry Main Stem to Pierhead Line	59.720	Frontage of 1,659′ average on Pierhead Line and depth of 1,565′ at $1,500 per front foot. (59.720 acres at $41,750 per acre)		2,488,500
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.370	$10,000		3,700
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.155	10,000		1,550
2176	Land outside Main Stem	West of N. J. Junction Main Stem "Y" to West New York Line	1.258	10,000		12,580

Block	Lot	Description	Area in Acres	Rate		Total Value
2176	Land outside Main Stem	3 parcels west of N. J. Junction. Main Stem at "Y" and north to West New York Line	3.680	5,000		18,400
2178 2247	Terminal Yard West New York	From Weehawken Line to N. Y. O. & W. Coal Pier property	114.281	Frontage of 1,800′ on Pierhead Line and depth of 1,656′ @ $1,500 per front foot. (64.669 acres @ $41,750 per acre)	$2,700,000	
				Frontage of 2,434′ on Pierhead Line and depth of 888′ average @ $750 per front foot. (49.612 acres @ $36,800 per acre)	1,825,500	
						4,525,500
2178	Land outside Main Stem	West of N. Y. & Fort Lee R. R. Main Stem and north of Weehawken Line	9.740	10,000		97,400
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad property	2.224	10,000		22,240
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad property	2.159	10,000		21,590
2176	Main Stem	From Bulkhead Line at West Shore Ferry running through Terminal Yard and north 1,040′	8.371	41,750		349,490
2178	Main Stem	From Weehawken Line running north	2.755	41,750		115,021

Block	Lot	Description	Area in Acres	Rate	Total Value
2173	Main Stem	From Clifton Road running south	2.502	26,136	65,392
2178	Main Stem	Weehawken Line north to N. Y.	9.970	39,600	394,812
2247		O. & W. Railroad property			
2163	Main Stem	From Park Ave., Weehawken to	16.931	26,136	442,508
2173		West New York Line			
2176					
2247	Main Stem	Back of American Cotton Oil Co. property. Guttenberg, West New York Line, south	0.243	21,780	5,292
2257	Main Stem	Back of American Cotton Oil Co. property, Guttenberg	0.670	21,780	14,592
2259.	Main Stem	Guttenberg Line to Bergen Co.	5.200	21,780	113,256
2264		Line			
2263					

The foregoing appraisals are as of Jany. 1, 1921.
THOS. A. RYER.

40 30 20 10

Exhibit P15.

SALES OF LANDS BACK OF WATER FRONT, BAYONNE, N, .J

BACK OF KILL VON KULL

	Grantor	Grantee	Date	Consideration	Area Acres	Rate Per Acre	
1	Creighton	Nitrate Agencies Co.	Feb. 2, 1920	$12,000	1.195	$10,000	Block 529
2	Kaplan	Nitrate Agencies Co.	Feb. 2, 1920	3,500	0.298	11,744	" "
3	Herrman	The Texas Co.	July 23, 1921	12,500	0.954	13,102	" "
4	Central R. R.	Tidewater Oil Co.	Apl. 17, 1915	204,375	21.020	10,400	" 381
5	" "	" " "	Apl. 25, 1916	48,000	4.796	10,000	" "
6	" "	" " "	Sept. 8, 1919	156,500	4.465	35,000	" "
7	" "	Standard Oil Co.	Oct. 20, 1920	3,000	0.221	13,574	" C
8	Demarest	Tidewater Oil Co.	Dec. 23, 1915	80,000	8.563	9,340	Blks. 319, 332-333
9	L. V. R. R. Co.	Standard Oil Co.	Jan. 21, 1920	6.722	0.639	10,520	Blk. B & 230
10	" " " "	" " "	1920	77,921	7.407	10,520	" B
11	Hudson Co. Gas Co.	Carbo-Hydrogen Co.	May 9, 1916	15,000	1.792	8,370	" 431 1/2
12	Creighton	Butler and Mulvihill	1913 & 1915	4,700	0.444	10,585	" 468
13	Cain & Baskerville	Duryea	July 3, 1916	32,500	1.925	16,883	" 535 & 536 Inc. 4 fr. blds on Ave. C.

BACK OF NEWARK BAY

14	N. Y. & N. J. Const. Mutual Inv. Co. Co., Imbrie and	Wm. M. Crane Co.	Aug. 11, 1919	55,000	8.700	6,332	Blk. 0-1-3-5
15	Currie	Pass. Valley Sewerage Comm.	Feb. 20, 1914	8,078	2.138	3,778	" 0
16	Wm. M. Crane Co.	L. V. R. R. Co.	May 7, 1920	1,500	0.165	9,091	Right of Way
17	Currie	" " " "	May 12, 1920				Blk. 0-1-3-5
18	Pass. Valley Sewerage Comm.	" " " "	June 12, 1920	1,500	0.165	9.091	Block 0
19	Gantz	Levin	Oct. 7, 1921	20,000	3.622	5,521	" 0
				38,500	2.688	14,322	" 426

SALES OF LANDS BACK OF WATERFRONT, JERSEY CITY, N. J.

BACK OF NEW YORK BAY

	Grantor	Grantee	Date	Consideration	Area Acres	Rate Per Acre	
20	Carlin	Factory Site Corp.	Dec. 26, 1913	$60,000	20.000	$3,000	Blks. 1393 to 1399
21	Currie	Tidewater Oil Co.	June 12, 1919	278,100	18.540	15,000	Block 1513
22	Penn R. R. Co.	L. V. H. T. Ry. Co.	Dec. 24, 1920	411,500	28.063	14,663	" 1507
23	Est. of D. E. Cleary	D. E. C. Somers	Dec. 6, 1920	6,000	1.000	6,000	" 1269
24	Rogers	National Products Ref. Co.	Sept. 14, 1915 May 15, 1919	4,500	1.000	4,500	" 2016
25	Est. of D. E. Cleary	Weil		2,100	0.600	3,500	" 2016
26	Goldstein	Wm. T. Baker, Inc.	Feb. 1915	900	0.060	2,600	" 2024
27	Condict	Hansson	Jan. 1918	3,000	0.516	5,800	" 2024
28	Various Owners	J. C. Printing Co.	1910 to 1921	32,150	3.216	10,000	" 2078-2079-2080
29	Sandford	L. V. R. R. Co.	May 19, 1923	84,972	14,600	5,820	" 1493
30	Whitmore	Cleary	June 1917	5,500	0.920	6,043	" 2137
31	Est. of D. E. Cleary	Stool	May 13, 1919	2,600	0.460	5,600	" 2137
32	Est. of D. E. Cleary	Everson	May 13, 1919	1,650	0.230	7,000	" 2137
33	Est. of D. E. Cleary	Miele	May 15, 1919	1,755	0.230	7,600	" 2137
34	L. V. R. R. Co.	Forbes	Dec. 7, 1911	4,500	1.233	3,650	" 2134-2138

BACK OF HUDSON RIVER

35	W. Ames & Co.	U. N. J. R. R. & C. Co.	Sept. 19, 1918	40,000	0.417	$95,900	" 73
36	L. Fessenden	" " " " " "	Oct. 15, 1918	90,000	0.833	108,000	" 74
37	Brown	Hud. & Man. R. R. Co.	Feb. 11, 1920	44,400	0.740	60,000	" 77
38	Gregory	U. N. J. R. R. & C. Co.	June 17, 1918	10,000	0.172	58,100	" 77

40 30 20 10

SALES OF LANDS BACK OF WATERFRONT, JERSEY CITY, N. J.

BACK OF HUDSON RIVER

	Grantor	Grantee	Date	Consideration	Area Acres	Rate Per Acre	
39	Gregory	U. N. J. R. R. & C. Co.	Sept. 14, 1918	$10,000	0.172	$58,100	Block 77
40	Gautier	" " " " " "	June 17, 1918	20,000	0.275	72,700	" 77
41	Hillyer	Brown	Dec. 1919	23,400	0.344	68,000	" 77
42	"	M. W. Winants	Mar. 4, 1916	21,000	0.430	48,800	" 77
43	Farrier	McCullough	Apl. 2, 1916	264,000	0.388	36,300	" 103
44	Royal Baking Powder Co.	Butler Bros.	July 21, 1920	14,100	1.969	134,000	" 106
45	Truslow & Fulle	Butler Bros.	July 21, 1920	25,000	0.268	93,200	" 106
46	Hillyer	N. Y. Iron Roofing Co.	Jan. 9, 1918	24,750	0.404	61,000	" 109
47	Pfister	Hartford	May 15. 1916	2,500	0.052	48,000	" 139
48	Eckerson	United Realty	June 30, 1916	19,500	0.314	62,100	" 141
49	McHugh	Great A. & P. Tea Co.	Feb. 2, 1916	6,000	0.096	62,400	" 172
50	Jersey City	Great A. & P. Tea Co.	May 11, 1915	15,000	0.206	72,800	" 172
51	Hunter & Cosinick	M. & E. R. R. Co.	Mar. 22, 1921	3,350	0.071	47,044	" 19
52	Jarvis & Provost Realty Co.	Jarvis Realty Co.	Jan. 14, 1919				
53	Byron	Hudson Realty Co.	Aug. 21, 1920	158,000	2.745	57,558	" 154
54	Goldenhorn	" " "	Dec. 22 1921	6,000	0.223	26,900	" 226
55	Est. of Tonnele	" " "	Dec. 2, 1921	2,500	0.074	33,700	" 226
56	Kelleher	Carr	1921	2,000	0.074	27,000	" 226
57	Watson	Union Trust Co.	June 1, 1920	2,500	0.074	33,700	" 287
58	Hettinger	" " "	Jan. 1921	4,400	0.160	27,500	" 293
				5,500	0.160	34,375	" 293
59	Carroll	Keys	Dec. 6, 1917	13,750	0.506	27,100	" 293
60	Various Owners	Continental Can Co.	1918	65,500	2.745	23,800	" 365
61	Various Owners	Armour & Co.	1916 & 1917	80,000	2.745	29,100	" 366

SALES OF LANDS BACK OF WATERFRONT, JERSEY CITY, N. J.

BACK OF HUDSON RIVER

62	Est. of Wood	Golden	June 21, 1917	$120,100	0.149	81,200	Block 12

Exhibit P16.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
BY CHARLES W. MORRISON

Block	Lot	Description	Area in Acres	Rate	Total Value
2176	West Shore Ferry Weehawken	N. J. Junction Main Stem to Pierhead Line	20.795	Frontage 530′ on P. H. L. to depth of 1,200′ (16.080 acres @ $45,000. Basis $1,235 per front foot) $723,600 Residue of 4.715 @ $30,000 141,450	$865,050
2176	Terminal Yard Weehawken	North of Ferry Main Stem to Pierhead Line	59.720	Frontage 1,948′ on P. H. L. to depth of 1,200.′ Basis of $1,235 per front foot at $45,000 per acre. Residue of 10 acres @ $30,000	2,537,400
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.370	$10,000	3,700
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.155	10,000	1,550
2176	Land outside Main Stem	West of N. J. Junction Main Stem "Y" to West New York Line	1.258	10,000	12,580
2176	Land outside Main Stem	3 parcels west of N. J. Junction Main Stem at "Y" and north to West New York Line	3.680	6,390	23,512

40 30 20 10

Block	Lot	Description	Area in Acres	Rate		Total Value
2178 2247	Terminal Yard West New York	From Weehawken Line to N. Y. O. & W. Coal Pier property	114.281	(a) Frontage on P. H. L. from south to north 1,400′ on P. H. L. x 1,200′ deep 38.59 ac @	$45,000	
				(b) Rear to (a) 9.42 ac @	30,000	
				(c) 1,400′ frontage on P. H. L. average depth 1,200′ 38.581 ac @	40,000	
				(d) 1,434′ to Guttenberg Line 27.700 ac @	35,000	
						$4,531,440
2178	Land outside Main Stem	West of N. Y. & Fort Lee R. R. Main Stem and north of Weehawken Line	9.740	10,000		97,400
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad property	2.224	10,000		22,240
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad property	2.159	10,000		21,590
2176	Main Stem	From Bulkhead Line at West Shore Ferry running through Terminal Yard and north 1,040′	8.371	33,300 ‡ average		278,730
2178	Main Stem	From Weehawken Line running north	2.755	30,000		82,650
2173	Main Stem	From Clifton Road running south	2.502	40,000		100,080

Block	Lot	Description	Area in Acres	Rate	Total Value
2178 2247	Main Stem	Weehawken Line north to N. Y. O. & W. Railroad property	9.970	31,360 ‡ average	313,700
2163 2173 2176	Main Stem	From Park Ave., Weehawken to West New York Line	16.931		
2247	Main Stem	Back of American Cotton Oil Co. property, Guttenberg, West New York Line, south	0.243	20,000	4,860
2257	Main Stem	Back of American Cotton Oil Co. property, Guttenberg	0.670	20,000	13,400
2259 2264 2263	Main Stem	Guttenberg Line to Bergen Co. Line	5.200	12,000	62,400

The foregoing appraisals are as of Jany. 1, 1921.

CHARLES W. MORRISON,

40 30 20 10

Exhibit P17.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES W. MORRISON

Block	Lot	Description	Area in Acres	Rate		Total Value
19	Jersey City Terminal	Hudson Street to Pierhead Line.	131.840	P. H. L. to Bulkhead as constructed 1,400′ more or less @ a rate of $2,200 per front foot; 46.611 Ac. @ $68,000.	$3,169,548	
				Residue of area solid land in yard 85.229 Rc. @ $43,560	3,712,575	
						$6,882,123
139	Hoboken Terminal	Henderson St. to Pierhead Line.	40.068	B. H. L. to P. H. L. 15.357 acres @ $7,000	$ 281,880	
				Westerly of B. H. L. for distance of 200, 3.24 acres @ $87,000	1,074,990	
				Waterfront value on a basis of $2,360 per front foot		
				Residue of yard 21.471 acres @ $50,000	1,073,550	
						2,430,420

Block	Lot	Description	Area in Acres	Rate	Total Value
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	85,000	876,775
260	Manor Property	Foot 11th St., Hoboken	7.621	Frontage of 332.88′ on Pierhead line by average depth of 900′ @ $1,250 per front foot (7.621 ac. @ $54,000 per acre	415,344.50
240	X	Hudson St. between 11th & 12th Sts., Hoboken	16.136	Frontage of 540′ on P. H. L. and average depth of 1.310′ @ $1,780 per front foot, 16.136 acres @ $59,600	962,512
261	Ocean S. S. Co. Property				
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	Frontage of 69′ on P. H. L. and average depth of 963′ @ $1,275 per front foot, 1.525 acres @ $57,600	87,980
19	Main Stem	Henderson St. to Hoboken Line	3.240	43,560	141,134.40
139	Main Stem	Jersey City Line to Bulkhead Line	3.728	62,250	232,280
	Hoboken Terminal Yard				

The foregoing appraisals are as of Jany. 1, 1921.

CHARLES W. MORRISON.

40 30 20 10

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES W. MORRISON

Block	Lot	Description	Area in Acres	Rate	Total Value
1435	Main Stem Kearny	Entire Main Stem	3.790	1.725 ac. @ $ 500 $ 862.50 2.065 ac. @ 1,500 3,097.50	$3,960.00
17	Main Stem J. C.	Henderson St. to bulkhead line	6.257	51,800 Avge.	324,987.50
218	Main Stem Jersey City	Henderson St., Grove & 11th Sts.	0.924	68,000 Avge.	62,700
16	B-6	Terminal Tract south of Pavonia Ave.	16.555	64,200 Avge.	1,061,437.50
17	A-2	Terminal Tract north of Pavonia Ave.	67.830	Frontage of 1,010′ on P. H. L. and depth of 1,400′ @ $2,000 fr. ft. (32.40 acres @ $62,500 per acre) $2,025,000 Frontage on Pavonia Ave. 100′ deep (4.172 acres @ $95,000 396,340 Residue of yard 31.258 acres @ $50,000 1,562,900	$3,984,240

Exhibit P18.

1696

Block	Lot	Description	Area in Acres	Rate	Total Value
16	Pavonia Ave. Ferry	Tract under water foot Pavonia Ave.	2.816	Frontage of 130′ on P. H. L. and depth of 945′ average @ $1,350 per front foot (2.816 acres @ $62,500)	176,000
16	Pavonia Ave. Ferry	Tract under water foot Pavonia Ave.	3.164	Frontage of 147.09′ on P. H. L. and depth of 939′ average @ $1,350 per fr. ft. 3.164 ac. @ $62,500	197,750
1435	Main Stem Kearny	Beginning to Arlington R. R.	0.560	500	280
1435 1437	Main Stem Kearny	Arlington R. R. to end at Sanford Ave.	27.748	Meadows @ $500 Sanford Av. 1,500	
1544 1435	Land outside Main Stem	East from Arlington R. R.	0.745	500	14,870 372.50
1435	Land outside Main Stem	West of Arlington R. R.	0.367	500	183.50
1435	Land outside Main Stem	South of Main Stem, Arlington R. R., to Belleville Turnpike	3.627	500	1,813.50
1435	Land outside Main Stem	North of Main Stem, Arlington R. R. to Belleville Turnpike	3.328	500	1,664
1437	Land outside Main Stem	On Belleville Turnpike	1.699	500	849.50
1437	Land outside Main Stem	On Belleville Turnpike	0.688	500	344
1437	Land outside Main Stem	North of Main Stem. Belleville Turnpike to Bergen Ave.	4.803	500	2,401.50

10 20 30 40

Exhibit P18

Block	Lot	Description	Area in Acres	Rate		Total Value
1437	Land outside Main Stem	South of Main Stem. Belleville Turnpike to Bergen Ave.	4.803	500		2,401.50
1544	Land outside Main Stem	North of Main Stem. Bergen to Sanford Ave.	1.124	500		562
1544	Land outside Main Stem	South of Main Stem Bergen Ave. west	3.305	500		1,652.50
1435 1436	Main Stem	Hackensack River to Belleville Turnpike	15.776	589 Avge.		9.288
1437 1438	Main Stem	Belleville Turnpike to Forrest Ave.	14.643	1.835 acres @ 5,000 per acre 12.808 acres @ $500 per acre	$9,175 6,400	15,579
1436	Land outside Main Stem	North of Main Stem, Hack. River to Belleville Turnpike	4.950	628 Avge.		3,175
1436	Land outside Main Stem	South of Main Stem, Hack. River to Belleville Turnpike	5.046	683 Avge.		3,433
1438	Land outside Main Stem	Belleville Turnpike	0.537	500		268.50
1437	Land outside Main Stem	Belleville Turnpike	1.383	500		691.50
1544	Land outside Main Stem	No. of Main Stem east of Schuyler Ave.	0.489	500		244.50

The foregoing appraisals are as of Jan. 1, 1921.

CHARLES W. MORRISON.

Exhibit P19.

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES W. MORRISON

Block	Lot	Description	Area in Acres	Rate		Total Value
1507	Main Stem	Greenville Terminal Morris Canal to Bulkhead line	12.731	$12,000		$ 152,772
1507	Terminal Tract	Greenville between Morris Canal & exterior line for piers	343.137	Waterfront developed, 105.3 acres @ $15,000, depth 2,400'; $825 per front foot	$1,579,500	
				Rear yard balance of area 237.837 acres @ $12,000	2,854,044	
						4,433,544
8	Main Stem	Main Yard from Washington St. to Bulkhead line	2.932	B. H. L. to Hudson Street extended .862 acres @ $87,000	74,994	
				Balance to Washington St. 2.070 acres @ $75,000	155,250	
						230,244
8	Main Terminal Tract	Washington St. to Pierhead line	30.564	866 feet on P. H. L. x 700' to B. H. L., 13.5 Ac. @ $70,000; $1,100 per fr. ft. $945,000	945,000	
				Solid land, B. H. L. to C. L. of Hudson St. ext. 720' front x 414' more or less deep, 6.85 Ac. @ $87,000; $825 per fr. ft.	595,950	

40 30 20 10

Block	Lot	Description	Area in Acres	Rate		Total Value
				Residue of yard 10.214 Ac. @ $75,000	766,050	
						2,307,000
8	P. R. R. Ferry	Foot of Exchange Pl.	3.623	240′ front on P. H. L. and 657′ deep to B. H. L. @ $1,200 per fr. ft., 3.623 Ac. @ $80,000		289,840
15	Main Stem	Harsimus Yard, Henderson St., to west of bulkhead line	6.682	66,300		442,930
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead line	98.835	Frontage of Pierhead Line 1,831′x850′ to B. H. L. or to include all land under water @ $1,585 per fr. ft., 42.7 Ac. @ $6,800 per acre	$2,903,600	
				Solid land rear of B. H. L. to Cl. of Hudson Street Ext. (7 acres @ $75,000)	525,000	
				Balance of land under water to C. L. of Greene Street Ext. 7 acres @ $55,000 per acre	385,000	
				Residue of yard 42.135 Ac. @ $65,000 per Ac.	2,738,775	
						6,552,375
239 260	Hoboken shops	Land at Castle Point on Hudson River, Shore Road to exterior line for Piers	8.249	54,500		449,570.50

The foregoing appraisals are as of Jan. 1, 1921.

CHARLES W. MORRISON

Exhibit P19

Exhibit P20.

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES W. MORRISON

Block	Lot	Description	Area in Acres	Rate	Total Value
1383	1 Main Stem	Merritt St. to Morris Canal, J. C.	1.476	$5,000	$ 7,380
1390	1 Main Stem	Ave. C to Garfield Ave., J. C.	1.602	6,000	9,612
1510	8-B B-1 Main Stem	Brown Place to Linden Ave., J. C.	2.911	7,500	21,832.50
1505	A Main Stem	Linden Ave. to Chapel Ave., J. C.	4.444	7,500	33,330
1492	Main Stem	Chapel Ave. north, J. C.	4.084	7,500	30,630
1492	1 Main Stem	South of Claremont Yard, J. C.	1.453	6,000	8,718
1491	1-A Main Stem	Caven Point Rd. south, J. C.	3.130	6,000	18,780
2020 2033	3 7 Main Stem	Caven Point Rd. to Central R. R. "Y," J. C.	5.769	7,500	43,267.50
2033	5 6 Main Stem	C. R. R. "Y" to Newark & N. Y. Branch C. R. R., J. C.	0.826	9,000	7,434

Block	Lot	Description	Area in Acres	Rate	Total Value
2047	25 Main Stem	Communipaw Ave. to Newark & N. Y. Branch C. R. R., J. C.	0.971	15,000	14,565
2048	A-1 Main Stem	Communipaw Ave. to Johnston J. C.	3.352	13,200	44,250
2145	Main Stem	Johnston Ave. to Jersey Ave., J. C.	1.607	13,000	20,891
2145	43 Main Stem	Jersey Ave. to 160′ west of Van Vorst St., J. C.	5.941	25,000	148,525
2145	42 Main Stem	160′ west of Van Vorst St. to Wash. St., J. C.	2.433	35,000	85,155
2145	Main Stem	Wash. St. to Bulkhead line, J. C.	2.835	56,100	159,043.50
2145	41-C Main Stem	Lehigh Valley Main Line to center line Mill Creek, J. C.	4.362	12,000	52,344
60	30 Main Stem	Van Vorst St. to Warren St., J. C.	0.518	32,700	16,938.60
2114½	C	Montgomery to Grand St., J. C.	3.753	13,000	48,789
2115	B				
2139	1 Main Stem				
2143	D Main Stem	Grand St. to Pacific Ave.	1.264	21,780	27,529.92
2144	Main Stem	Pacific Ave. at Morris Canal, J. C.	0.019	20,000	380
2095½	A Main Stem	Morris Canal to Johnston Ave., J. C.	3.826	15,000	57,390
2048	B-1 Main Stem	Johnston Ave. and Main Line, J. C.	0.087	15,000	1,305

Block	Lot	Description	Area in Acres	Rate	Total Value
2048	C Main Stem	South of Johnston Ave., J. C.	0.766	13,200	10,111.20
2048	M Main Stem	Communipaw and Wilson Aves, J. C.	0.619	12,000	7,428
2154	Part 11 Main Stem	Communipaw Ave. to Philip St., J. C.	6.905	10,000	69,050
2154	Part 11 Main Stem	Philip St. to Caven Pt. Rd., J. C.	1.164	7,500	8,730
1492	6 Main Stem	Caven Point Rd. to Chapel Ave., J. C.	11.209	8,750	98,078.75
1507	Part 7 Main Stem	Chapel Ave. to Linden Ave., J. C.	4.506	10,000	45,060
	Main Stem		0.503	7,500	3,772.50
1510	12 Main Stem	At Morris Canal, Jersey City At Brown Place, Jersey City	0.195	7,500	1,462.50
2154	13 Main Stem	National Docks Branch to Natl. Storage Fence, J. C.	4.401	7,500	33,007.50
1494	Part M Main Stem	Part "Y" at Caven Point Rd., J. C.	0.905	7,500	6,787.50
1494	Part M Main Stem	Part "Y" at Caven Point Rd., J. C.	2.559	7,500	19,192.50
1492	3-B	Land outside Main Stem Chapel Ave. no. to Canal, J. C.	7.335	7,500	55,012.50
1492	4-C	Land outside Stem at Claremont Yard, J. C.	0.280	6,000	1,680

10 20 30 40

Exhibit P20

Block	Lot	Description	Area in Acres	Rate	Total Value
1491	Part 1-A	Land outside Main Stem, south of Caven Point Road, J. C.	0.850	6,000	5,100
2020	3-A	Land outside Main Stem, Caven Point Rd. to Newark & N. Y. Branch C. R. R., J. C.	0.790	6,000	4,740
2033	5-A				
	7-A				
2145	45-A	Land outside Main Stem, National Docks Branch to Jersey Ave., J. C.	3.497	13,000	45,461
2145	41-B	Land outside Main Stem Morris Canal to Jersey Ave., J. C.	13.650	12,000	163,800
2145	45-C	Land outside Main Stem north and south from 160′ west of Van Vorst St. extended to center line Jersey Ave., extended, J. C.	25.673	Frontage on Tidewater Basin 2,120′ depth including Main Stem 518.15′ $296 per front foot. Basis 25.673 Ac. @ $25,000	641,825
2145	45-D	Land outside Main Stem north and south of Main Stem from center line of Wash. St. ext. to 160′ west of Van Vorst St. extended, J. C.	10.100	Frontage on Tidewater Basin 1,120′ depth including Main Stem 519.71′. Basis $417 per front foot (10.10 acres @ $35,000)	353,500
2145	38-B	Terminal tract, Hudson River, J. C.	38.380	Frontage on Hudson River P. H. L. 978.25′, average depth 1,777′, $1,400 per front foot, 38.380 ac. @ $36,900 average	1,374,179.40
	45-A				
1500	1B—3B	Claremont Yard at Caven Point	42.831	7,500	321,232.50
1494	2A—BC				
	2D—E				
	4-B				
1492	4-A				

Block	Lot	Description	Area in Acres	Rate	Total Value
2154	14-23	Land outside Main Stem between Communipaw Ave. and Natl. Storage Co.	3.035	10,000	30,350
1497	3	Land outside Main Stem, National Storage Co., from Caven Point Rd. to exterior line for piers, J. C.	88.365	15,000	1,325,475
7	Main Stem	Newark Bay to Hudson Co. Boulevard, Bay.	1.056	6,000	6,336
8	Main Stem	Hudson Co. Boulevard to Ave. B, Bay.	1.070	5,000	5,350
	Main Stem	Jersey line to C. L. Packard ditch, Bay.	16.414	10,000	164,140
B & C	Main Stem	C. L. Packard ditch to Orford Copper Co., Bay.	12.999	11,300 Avge.	147,384
C	Main Stem	Orford Copper Co. to end at Bergenport Chem. Co., Bay.	1.106	16,000	17,696
O-1-3-5	Main Stem	From Main Line Lehigh Valley near Hudson Co. Boulevard to J. C. line at Morris Canal, Bay.	1.230	6,000	7,380
		Land outside Main Stem excess width National Docks Branch in Bay.	0.303	10,000	3,030

The foregoing appraisals are as of Jany. 1, 1921.

CHARLES W. MORRISON.

Exhibit P21.

CENTRAL RAILROAD COMPANY OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES W. MORRISON

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to Bulkhead line, J. C.	5.464	$37,600	$ 205,170
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to center line Jersey Ave. extended, J. C.	6.302	15,000	94,530
	Main Stem	Bayonne-Jersey City Line to exterior line of Center St., Bayonne	3,624	8,000	28,992
	Main Stem	Center line of Center Stree to center line of E. 32nd St., Bayonne	8.898	8,000	71,184
	Main Stem	Center line of E. 32nd Street to center line of E. 30th St., Bayonne	1.898	8,000	15,112
	Main Stem	Center line of E. 30th St. to E. 22nd St., Bayonne	5.841	12,000	70,092
	Main Stem	21st St. to Linnett St., Bayonne	7.514	12,000	90,168
	Main Stem	Linnett St. to Ave. D, Bayonne	0.851	12,000	10,212
	Main Stem	Ave. C to center line Hudson Co. Boulevard, Bayonne	2.495	12,000	29,940
	Main Stem	Beginning to Highway, Bayonne	7.504	10,000	75,040

Block	Lot	Description	Area in Acres	Rate		Total Value
	Main Stem	Highway to end of line, Bayonne	4.359	13,900 Avge.		60,582
	Main Stem	2,000′ back to 2nd, Bayonne	4.028	17,600 Avge.		70,490
2145	Terminal Tract	160′ feet west of Van Vorst St. to Pierhead line, J. C.	97.063	Frontage of 2,070′ average on Pierhead line and depth of 1,375′ average (66.863 acres @ $45,000)	$3,016,835	
				Residue of 30.2 acres @ $20,000 per acre	604,000	
						3,620,835
2145	48-D	Philip St. to Pierhead line, New York Bay, J. C.	71.30	Frontage of 1,000′ on Pierhead line and a depth of 1,200′ at $850 per front foot, 28.3 acres @ $30,000	$ 849,000	
				Residue of 43 acres @ $12,500	537,500	
						1,386,500
2154	22-G	Philip St. Branch to Pierhead Line, New York Bay, J. C.	84.724	Frontage of 670′ on Pierhead line and depth of 1,200′ @ $678 per front foot, 18.175 ac. @ $25,000	$ 454,375	
				Residue of 66.549 ac. @ $10,000 per ac.	666,490	
						1,119,865

40 30 20 10

Block	Lot	Description	Area in Acres	Rate	Total Value
2154	Part 22-J	Philip St. to Pierhead Line, New York Bay, J. C.	96.049	Frontage of 802′ on Pierhead line and depth of 2,000′ @ $1,250 per front foot (33.5 acres @ $30,000 per acre) $1,005,000 Residue of 62.549 ac. @ $7,500 ac. 469,117.50	1,474,117.50
2145	Land outside Main Stem	South of Main Stem, 160′ west of Van Vorst St. to Jersey Ave., J. C.	28.718	15,000	430,770
2145	Land outside Main Stem	North of Main Stem 160′ west of Van Vorst St. to Jersey Ave., J. C.	24.613	15,000	369,195
2048	H	Center Line Jersey Ave. extended to National Docks Branch, Lehigh Valley, J. C.	3.120	13,000	40,560
2148	S	Communipaw Ave. and Philip St., J. C.	19.611	13,000	254,943
2154	22-D	S. E. of Philip St., foot of Communipaw Ave., J. C.	5.610	13,000	72,930
2145	25-A 25-D	Jersey Ave. if extended, south of Morris Canal	3.352	10,000	33,520
	Port Johnston	2,000′ back of Pierhead line to Pierhead line, Kill von Kull, Bayonne	19.342	17,500	338,485

The foregoing appraisals are as of Jan. 1, 1921.

CHARLES W. MORRISON.

Exhibit P22.

Grant by the State of New Jersey to Lehigh Valley Railroad Co.

To All to Whom These Presents Shall Come, or Who Shall Be Concerned, the State of New Jersey Sendeth Greeting.

WHEREAS, Under and by virtue of a certain act of the Legislature of the State of New Jersey, approved April 11th, 1864, entitled "An Act to ascertain the rights of the State and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this State." certain persons were duly appointed and constituted commissioners to execute and discharge the duties in said act set forth and upon them imposed, and, among other things, to fix and establish an exterior line in certain bays and rivers in said act mentioned, beyond which no pier or permanent obstruction of any kind should be permitted to be made;

AND WHEREAS, Afterwards said commissioners having fixed such exterior line in the tide water of certain of said waters, bays and rivers, to wit, the Hudson River, New York Bay, and Kill von Kull, lying between Enyard's dock, on the Kill von Kull, and the New York State line, the same was, by another act of the Legislature, approved March 31st, 1869, supplementary to said first mentioned act, adopted and declared to be fixed and established as the exterior bulkhead and pier line between the points above named, as by the first section of the last mentioned act will more fully appear;

Exhibit P22

And Whereas, By the sixth section of said supplemental act, it was enacted that four commissioners should be appointed by the Governor, with the advice and consent of the Senate, to complete as much of the details of the work assigned to them by such original act, by surveys and otherwise on the Hudson River, New York Bay, and Kill von Kull, as in their judgment the interests of the State required;

And Whereas, Bennington F. Randolph, Miles Ross, Richard B. Reading, and Richard N. Herring, have been duly appointed and are now acting as commissioners under said several acts;

And Whereas, By the third section of said supplementary act it was enacted, among other things, that neither that section nor any provision in said supplementary act contained, should in anywise repeal or impair any grant of land under water or right to reclaim made directly by legislative act, or grant or license, power or authority, so made or given, to purchase, fill up, occupy, possess, and enjoy lands covered with water fronting and adjoining lands owned or authorized to be owned by the corporation or grantee or licensee in the legislative act mentioned, its, his or their representatives, grantees, or assigns, or to repeal or impair any grant or license, power or authority, to erect or build docks, wharves, and piers opposite and adjoining lands owned or authorized to be owned, by the corporation, or grantee, or licensee in the legislative act mentioned, its, his, or their representatives, grantees, or assigns, heretofore made or given directly by legislative act, whether said acts are or are not repealable;

And Whereas, By the fourth section of said legislative act, it was enacted, among other things, that in case any person or corporation, who, by any legislative act, was a grantee, or licensee, or had such power or authority or any of his or their representatives or assigns, should desire a paper capable of being acknowledged and recorded, made by and in the name of the State of New Jersey, conveying the land in the proviso to the third section of said supplementary act mentioned, whether under water or not, and the benefit of an express covenant that the State would not make or give any grant or license, power or authority, affecting lands under water in front of said lands, then and in either of such cases, such person or corporation, grantee or licensee having such grant or license, power or authority, his or their representatives or assigns, on producing a duly certified copy of such legislative act to said commissioners, and, in case of a representative or assignee, also satisfactory evidence of his or their being such representative or assignee, and requesting such grant and benefits as in that section mentioned, should be entitled to said paper, so capable of being acknowledged and recorded, and granting the title and benefits aforesaid, on payment of the consideration therein mentioned, and the commissioners or any two of them, with the Governor and Attorney General for the time being, to be shown by the Governor signing the grant and the Attorney General attesting it, should and might execute and deliver and acknowledge in the name and on behalf of the State, a lease in perpetuity to such grantee or licensee, or corporation, having such grant, license, power, or authority, and to the heirs and

assigns of such grantee or licensee, or to the successors and assigns of such corporation, upon his, her or their securing to be paid to the State an annual rental of three dollars for each and every lineal foot measuring on the bulkhead line, or a conveyance to such grantee or licensee, or corporation having such grant, license, power or authority, and to the heirs and assigns of such grantee or licensee, or to the successors and assigns of such corporation, in fee, upon his, her, or their paying to the State fifty dollars for each and every lineal foot, measuring on the bulkhead line in front of the land included in such conveyance:

AND WHEREAS, By the first section of an act of the Legislature of the State of New Jersey, entitled "A further supplement to the act entitled 'An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers, passed December thirty-first, eighteen hundred and twenty-four,'" which supplement was approved on the fourteenth day of March, eighteen hundred and sixty-seven, the State of New Jersey did grant to the Morris Canal and Banking Company all the right, title and interest of the State, in and to the land and lands under water within the following boundaries: Beginning at a point in Hudson River, in the southerly line of South Street extended seven hundred and sixty-five feet from the easterly line of Hudson Street, and running thence (1) westerly along the said southerly line of South Street to the centre line of Washington Street extended; thence (2) southerly along said centre line two hundred and sixty feet; thence (3) westerly on a line parallel with South Street, as laid down on Mangin's map, to the

easterly line of Warren Street extended; thence (4) southerly and along the said easterly line of Warren Street extended to a point distant four hundred and sixty feet at right angles from the southerly line of South Street; thence (5) parallel with South Street easterly to a point in the centre line of Washington Street extended, and distant four hundred and sixty feet from the southerly line of South Street; thence (6) southerly along said centre line of Washington Street; extended, five hundred feet to the northerly line of the property occupied by the Central Railroad Company of New Jersey; thence (7) easterly along said line seventeen hundred and thirty-five feet; and thence (8) northerly to the place of beginning; on condition that gaps each of one hundred and fifty feet in width should forever be kept open in the bulkhead and in any structure to be erected on said premises, so that the public might with all vessels freely navigate to and from the channel of the Hudson River, and all places east and west of the westerly Bulkheads on said premises, without the payment of tolls or charges, provided that the said opening should be kept in such condition that the owners and occupants of shore property lying north and west of the above described property, might at all times, have free access to as well as through the same.

And Provided Further, That the said Company should within ninety days after the passage of said act, execute and deliver to the Governor of this State, their promise and undertaking, under seal unconditionally to pay into the treasury of this State, yearly, the sum of twenty-five thousand dollars per year on or before the first Tuesday of January in each

year, during the continuance of their charter, and so long as the said Company, their successors or assigns, should continue to hold or occupy the same, the first payment of a ratable portion of which should fall due on the first Tuesday of January, eighteen hundred and sixty-eight; the said act further providing that it should be lawful for the said Company instead of the said annual payment of twenty-five thousand dollars to pay into the treasury of this State at any time the sum of three hundred and fifty-seven thousand one hundred and forty-two dollars:

AND WHEREAS, The said Company did within said ninety days execute and deliver the said undertaking as above required;

AND WHEREAS, Said lands front and adjoin lands owned by the said Morris Canal and Banking Company, and its grantee or assignee, the Lehigh Valley Railroad Company;

AND WHEREAS, By the second section of the same act it was enacted that the said Morris Canal and Banking Company might, under the provisions of their charter, construct piers, wharves, docks, basins, warehouses and other structures within the limits above described, as by said act, reference thereto being had, will more fully appear;

AND WHEREAS, The said Morris Canal and Banking Company did, in pursuance of legislative authority, make, execute, and deliver unto the Lehigh Valley Railroad Company a certain indenture of lease bearing date on the fourth day of May, in the year eighteen hundred and seventy-one, whereby the said Morris Canal and Banking Company did demise and lease unto the said Lehigh Valley Railroad Company in perpetuity (among other things) the

lands so granted to it by the State of New Jersey;

And Whereas, The said Lehigh Valley Railroad Company being assignee as aforesaid of the tract of land so as aforesaid granted by the State of New Jersey to the said Morris Canal and Banking Company, adjoining the Hudson River as aforesaid, and hereby conveyed, has produced to said Commissioners a duly certified copy of the said legislative act, entitled, "A further supplement to the act entitled 'An act to incorporate a company to form an artificial navigation between the Passaic and Delaware Rivers, passed December thirty-first, eighteen hundred and twenty-four," and also a certified copy of the lease aforesaid, executed by the Morris Canal and Banking Company to said Lehigh Valley Railroad Company, which affords satisfactory evidence to the said commissioners that it is assignee of the said Morris Canal and Banking Company of its rights acquired by the supplement last mentioned and has made application in writing requesting such grant and benefits as are mentioned in said fourth section of said supplement to the act entitled "An act to ascertain the rights of the State and of riparian owners in the lands lying within the waters of the Bay of New York and elsewhere in this State," and agreeing to pay therefor the consideration mentioned in the said fourth section of said supplemental act.

And Whereas, The said Morris Canal and Banking Company and the said Lehigh Valley Railroad Company have heretofore duly paid into the treasury of this State, yearly the said sum of twenty-five thousand dollars and the said Lehigh Valley Railroad

Company has this day paid into the treasury of this State the sum of three hundred and fifty-seven thousand one hundred and forty-two dollars, in discharge of the promise and undertaking above recited;

And Whereas, It appears to the said Commissioners that the said Lehigh Valley Railroad Company has by virtue of the aforesaid grant from the State of New Jersey, and of the lease from the Morris Canal and Banking Company and the performance of said conditions, such grant and license, power and authority, as is in the said fourth section mentioned, and is entitled to a paper capable of being acknowledged and recorded, and granting the title and benefits aforesaid upon payment of such consideration as aforesaid;

And Whereas, Such consideration, to wit, the sum of forty-eight thousand dollars being fifty dollars for each lineal foot, to wit, nine hundred and sixty feet, measuring on the bulkhead line in front of the land included in this conveyance has been paid by the said Lehigh Valley Railroad Company to the treasurer of this State,

Now, Therefore, Know Ye, That the said State of New Jersey, by Bennington F. Randolph, Miles Ross, Richard B. Reading, and Richard N. Herring, with the said Governor and Attorney General for the time being, in consideration of the said sum of forty eight thousand dollars to the treasurer of the State, for the State, duly paid, hath granted, conveyed and confirmed unto the said Lehigh Valley Railroad Company the said tract of land so granted to the Morris Canal and Banking Company, and hereinbefore described, together with all the right and

privilege of excluding the tidewater from said land, by filling in or otherwise improving the same, and to appropriate the same to exclusive private uses, as fully to all intents and purposes as the said Commissioners have power or authority to grant and convey the same subject however to the conditions hereinafter stated.

To Have and to Hold, The lands above described, with the appurtenances and all the rights and privileges hereby granted, unto the said Lehigh Valley Railroad Company, its successors and assigns, forever. And the said State of New Jersey doth further hereby covenant expressly with the said Lehigh Valley Railroad Company, its successors and assigns. that the said State of New Jersey will not make or give any grant or license, power or authority, affecting lands under water in front of the lands hereby conveyed. And the said Lehigh Valley Railroad Company, its successors and assigns, may reclaim and appropriate to its own use the said lands under water above described, subject, however, to the regulations and provisions of the various clauses of said supplemental riparian act herein recited, so far as the same are applicable to the lands hereby conveyed. Subject also to the condition imposed by the said act, approved March 14th, 1867, granting said lands to the said The Morris Canal and Banking Company, to keep open gaps in said lands of not less than one hundred and fifty feet in width so that the public may with all vessels freely navigate to and from the channel of the Hudson River, and all places east and west of the bulkheads on said premises without the payment of tolls or charges, and that the said opening shall be kept in such condition that the owners and

occupiers of shore property lying north and west of said property may at all times have free access to as well as through the same.

In Witness Whereof, The said Commissioners, appointed under said supplemental act, have respectively set their hands and seals, and these presents have been signed by the Honorable Robert S. Green, our Governor, and attested by the Honorable John P. Stockton, our Attorney General, and the great seal of the State has been affixed, as by the provisions of said supplemental act is required.

Done and dated at Trenton, this twelfth day of July in the year of our Lord one thousand eight hundred and eighty-nine.

BENNINGTON F. RANDOLPH (L. S.)
MILES ROSS (L. S.)
RICHARD B. READING (L. S.)
RICHARD N. HERRING (L. S.)
ROBT. S. GREEN—Governor.

(Seal.)

Attest:

John P. Stockton.

Witness:

R. C. Bacot.

It being certified to me by the Comptroller of the State that the Lehigh Valley Railroad Company has this day paid with the Treasury of the State the sums of Three hundred and fifty-seven thousand one hundred and forty-two dollars & Forty-eight thousand Dollars referred to I have executed this grant this twentieth day of December eighteen hundred & eighty-nine.

ROBT. G. GREEN,
Governor.

Attest:
John P. Stockton,
Attorney General.

New Jersey,
Hudson County, ss:

BE IT REMEMBERED, That on this twelfth day of July, A. D. eighteen hundred and eighty-nine, before me, the subscriber, a Master in Chancery of New Jersey, personally appeared Bennington F. Randolph, Miles Ross, Richard B. Reading and Richard N. Herring, Commissioners, who I am satisfied are Riparian Commissioners under the laws of New Jersey, in the foregoing deed of conveyance named; and I having first made known to them the contents thereof, they did severally acknowledge that they signed, sealed, and delivered the same in the name and on behalf, and as for the voluntary act and deed of the State of New Jersey, for the uses and purposes therein expressed.

JAMES B. VREDENBURGH,
M. C. of N. J.

Exhibit P22

New Jersey,
Hudson County, ss:

BE IT REMEMBERED, That on this twelfth day of July, A. D., eighteen hundred and eighty-nine, before me, the subscriber, a Master in Chancery of New Jersey, personally appeared Robert C. Bascot, who being duly sworn, on his oath deposeth and saith that he saw the within-named Bennington F. Randolph, Miles Ross, Richard B. Reading and Richard N. Herring, Commissioners, sign their names, respectively, to the within instrument; that he knows them to be Riparian Commissioners under the laws of the State of New Jersey, and the said Commissioners did severally acknowledge that they signed the foregoing instrument for and on behalf of the State of New Jersey, as their act and deed for the uses and purposes therein expressed, he, this deponent subscribing his name thereto at the same time as an attesting witness.

JAMES B. VREDENBURGH,
M. C. of N. J.

Recorded in the Office of the Register of Hudson County, December 9, 1890, in Book 520 of Deeds, page 56.

Exhibit P23.

Lehigh Valley Railroad Company.

Rate of return for 1921, based on a comparison of investment (as used in *ex parte* 74) and net railway operating income (railway operating income plus or minus net equipment and joint facility rents).

Investment—$231,590,289.

		Net Railway Operating Income	Ratio of Return
January	1921	$393,911.73	2.35
February	"	508,642.70	3.20
March	"	456,627.17	2.43
April	"	70,256.15	0.37
May	"	130,637.66	0.61
June	"	607,304.96	2.85
July	"	1,007,482.15	5.28
August	"	826,025.42	4.20
September	"	1,571,286.63	7.86
October	"	1,110,934.17	5.13
November	"	1,096,566.46	5.45
December	" (Est.)	756,801.00	4.25
Year 1921		$5,677,600.70	2.45

Exhibit P24.

HUDSON RIVER WATERFRONT SALES

	Grantor	Grantee	Date	Consideration	Area Acres	Rate Per Acre	Rate Per Sq. Ft.	
1	American Coal Co.	International Elev. Co.	July 24, 1916	$300,000	4.396	$68,200	$1.565	
2	Lord Const. Co.	N. Y. State Realty & Term. Co.	Mar. 26, 1920	600,000	9.140	65,645	1.507	
3	Edgecliff Realty Corp.	N. Y. State Realty & Term Co.	Mar. 24, 1920	900,000	14.020	64,193	1.475	
4	Delaware & Hudson Co.	Cunard Term. Corp.	Aug. 26, 1920	2,256,500	35.514	63,538	1.458	
5	Manor R. E. & Tr. Co.	Hudson Realty Co.	Mar. 22, 1916	450,000	7.621	59,045	1.355	
6	American W. & T. Co.	U. S. A.	June 30, 1917	315.161	5.773	54,592	1.253	
7	Ocean S. S. Co.	Hudson Realty Co.	Dec. 29, 1915	945,000	16.136	54,227	1.245	
8	Hamburg-American	U. S. A.	Apl. 15, 1919	1,093,400	20.460	53,448	1.230	
9	North German-Lloyd	U. S. A.	June 28, 1918	1,317,500	24.650	53,448	1.230	
10	Jas. Pyle & Sons	Lever Bros. Co.	Mar. 9, 1920	800,000	15.380	52,105	1.190	Inc. Impts.
11	Shamberg	Luckenback Term. Inc.	Apl. 29, 1920	1,750,000)				
		Convertible Lease	Mar. 21, 1921	1,250,000)	74.000	40,600	0.930	
12	Twombley	Lord Const. Co.	Mar. 26, 1920	250,000	9.140	27,352	0.628	
13	Woodcliff Land & Impt. Co.	Edgecliff Realty Corp.	Dec. 30, 1919	2,000,000	81.130	24,652	0.566	
14	Jones	Lord Const. Co.	Mar. 25, 1920	350,000	14.630	23,900	0.548	
15	Argam Tannin Co.	Lever Bros. Co.	June 26, 1920	285,000	12.101	23,728	0.544	
16	Edgecliff Realty Corp.	Lord Const. Co.	Mar. 24, 1920	1,666,000	70.440	23,620	0.542	
17	Winterburn	Daniels	Oct. 14, 1920	140,000	6.060	23,100	0.532	
18	W. O. Ross	Union Dry Dock Co.	Oct. 26, 1920	229,971	10.186	22,577	0.518	
19	Waterfront Impt. Co.	Erie Land & Impt. Co.	Jan. 17, 1914	195,000	11.000	17,727	0.407	
20	Waterfront Impt. Co.	N. Y. Edison Co.	Oct. 11, 1911	130,000	7.590	17,127	0.393	
21	Larkin Soap Co.	Swift & Co.	Dec. 15, 1917	117,000	8.173	14,316	0.328	

KILL VON KULL WATERFRONT SALES

	Grantor	Grantee	Date	Consideration	Area Acres	Rate Per Acre	Rate Per Sq. Ft.
22	Delano	Standard Oil Co.	Mar. 21, 1918	$778,000	13.800	$56,380	$1.293
23	Fennaile & Dexpeaux	Standard Oil Co.	Dec. 4, 1919	300,000	5.465	55,000	1.250
24	Delano	Standard Oil Co.	June 29, 1916	97,000	1.890	51,500	1.170
25	Delano	International Nickel Co.	June 29, 1916	310,000	6.400	48,437	1.112
26	Standard Oil Co.	International Nickel Co.	Aug. 4, 1916	125,000	2.640	47,348	1.070
27	Story Realty Co.	Union Sulphur Co.	Mar. 4, 1921	225,000	7.685	29,350	0.670
28	McDonald	Cohen & Rieber	Nov. 28, 1911	34,568	1.117	25,128	0.576

29 & 30 In addition to the above, the Standard Oil Co. has made contracts with John E. Andrus and Lehigh Valley Railroad Co. to purchase their respective properties on New York Bay adjacent to Kill von Kull in Bayonne; the Andrus property containing 45.045 acres for $1,126,125 or $25,000 per acre and the Lehigh Valley Railroad Company's property containing 147.949 acres for $2,821,448 or $19,070 per acre. The contract to purchase the Andrus property was made on March 24, 1920, and the purchaser has twenty years within which to take title. The contract to purchase the Lehigh Valley Railroad Company's property was made on Nov. 1919, and the purchaser has three years within which to take title.

NEW YORK BAY WATERFRONT SALES

	Grantor	Grantee	Date	Consideration	Area Acres	Rate Per Acre	Rate Per Sq. Ft.
31	M. & C. D. Co.	L. V. H. T. Ry. Co.	Apl. 29, 1916	$2,232,630	289.62	$7,709	$0.177
32	Currie	L. V. H. T. Ry. Co.	Apl. 22, 1916	41,080	6.32	6,500	0.149
33	Vreeland	L. V. H. T. Ry. Co.	Apl. 26, 1916	59,312	13.20	4,493	0.103
34	Welch (Blair)	L. V. H. T. Ry. Co.	June 30, 1916	650,000	187.98	3,457	0.079
35	Packard	Standard Oil Co.	July 27, 1916	650,000	139.00	4,676	0.107

LEHIGH VALLEY HARBOR TERMINAL RAILWAY CO.

Purchases Shown Above Adding Arrears of Taxes

31	M. & C. D. Co.	L. V. H. T. Ry. Co.	Apl. 29, 1916	$2,564,150	289.62	$8,853	$0.203
33	Vreeland	L. V. H. T. Ry. Co.	Apl. 26, 1916	99,590	13.20	7,545	0.173
34	Welch (Blair)	L. V. H. T. Ry. Co.	June 30, 1916	1,003,866	187.98	5,340	0.122

Exhibit P25.

Map entitled, "Lands on the water front of Hudson River and New York Bay in municipalities of Hudson and Bergen Counties, New Jersey. Dec. 1921." Same as Exhibit P2.

Exhibit P26.

Lease by New York State Realty and Terminal Company to Cunard Terminal Corporation

Agreement made this 28th day of July, 1920, between the New York State Realty and Terminal Company, hereinafter described as the Lessor, and Cunard Terminal Corporation, a corporation organized and existing under the laws of the State of New Jersey, hereinafter described as the Lessee.

WITNESSETH:

That the Lessor has agreed to let and hereby does let unto the Lessee, and the Lessee has agreed to take and hire and hereby does take and hire from the Lessor for the term, at the rentals and additional rentals, and upon the covenants, conditions, limitations and agreements hereinafter set forth.

ALL those two certain parcels of land and land under water, with the improvements thereon, situate in the Township of Weehawken, County of Hudson and State of New Jersey, bounded and described as follows:

PARCEL No. 1. Beginning at a point in the exterior line for solid filling established by the

Riparian Commissioners of New Jersey, and in the southerly line of lands under water granted by the Riparian Commissioners of New Jersey to George F. Crane, Trustee, by grant dated June 23, 1910, and recorded in the Office of the Register of Hudson County, N. J., in Liber 1068 of Deeds, page 300, and running thence northerly along said exterior line for solid filling Two thousand two hundred twenty-eight and forty-eight one hundredths (2228.48) feet; thence north 50° 29′ west One thousand one hundred ten and forty-fourth one hundredths (1110.44) feet more or less to the westerly line of Plot D2 as shown on a certain map entitled "Map Showing the Partition of Highwood among the Devisees of James G. King, Sr., Weehawken, Hudson County, N. J." surveyed by Spielman & Brush, Civil Engineers, and dated October 13, 1875; thence in a general southerly direction along the westerly line of Plots D2, F2, E2, G2, C2, B2 and A2, as shown on said map, to the southwesterly corner of said Plot A2; thence south 53° 39′ east along the southerly line of said Plot A2, One hundred seventy-nine (179) feet; thence north 37° 53′ east twenty-five (25) feet; thence south 51° 50′ east along lands now or formerly of the Delaware & Hudson Canal Company, and along the southerly line of lands under water granted to George F. Crane, Trustee, by the Riparian Commissioners of New Jersey as aforesaid, Nine hundred fifty and fifty-five one hundredths (950.55) feet more or less to the exterior line for solid filling, the point or place of beginning.

Exhibit P26

Containing Forty-nine and twenty one hundredths (49.20) Acres of land more or less.

Excepting therefrom, however, so much thereof as was taken by the Board of Chosen Freeholders of Hudson County, New Jersey, for the Hudson County Boulevard.

Also excepting therefrom, a parcel of land containing Four hundred seventy-eight and eighty-nine one hundredths (478.89) square feet more or less from the westerly side of Plot F2 conveyed by Edgar Richards and others to John G. Meister by deed dated January 2, 1896, and recorded in the Office of the Register of said County in Liber 639 of Deeds, page 551.

Also excepting therefrom a parcel of land containing Sixty-nine (69) square feet more or less from the westerly side of Plot E2 conveyed by Frederica G. Davis and others to John G. Meister by deed dated December 11, 1895, and recorded in the Office of the Register of Hudson County, N. J., in Liber 639 of Deeds at page 548.

Also excepting therefrom the rights of the New Jersey Junction Railroad Company and the New York and Fort Lee Railroad Company respectively, as to the portions of said parcel included within the respective rights of way of said Companies.

PARCEL No. 2. Beginning at a point in the exterior line for solid filling established by the Riparian Commissioners of New Jersey, and in the northerly line of lands under water granted by the Riparian Commissioners of New Jersey to Edward King by grant dated July 31, 1902, and recorded in the Office of the Reg-

ister of Hudson County, N. J., in Liber 821 of Deeds, page 51; and running thence southerly along said exterior line for solid filling Two hundred fifty (250) feet to the northerly line of Parcel No. 1 above described; thence north 50° 29′ west along said northerly line of Parcel No. 1 above described, One thousand one hundred and ten and forty-four one hundredths (1110.44) feet more or less to the westerly line of Plot D2 as shown on map showing the partition of Highwood among the devisees of James G. King, Sr., above referred to; thence north 19° 58′ east along the westerly line of said Plot D2 as shown on said map, Two hundred sixty-nine and sixty-nine one hundredths (269.69) feet more or less to the northwesterly corner of said Plot D2; thence south 50° 2′ east Seventy-four and eighty one hundredths (74.80) feet to the northwesterly corner of a strip of land conveyed to Edward King by John Crosby Brown and John S. Schultze, Executors, &c., of James Brown, deceased, by deed dated January 28, 1901, and recorded in the Office of the register of Hudson County, N. J., in Liber 867 of Deeds, page 620; thence north 36° 18′ east Twenty-two and fifty-two one hundredths (22.52) feet to the westerly line of Pershing Road (formerly Clifton Road); then southeasterly along the westerly line of Pershing Road on a curve with a radius of Seventy-five (75) feet, a distance of Thirty and eighty-six one hundredths (30.86) feet; thence south 36° 18′ west Six and fifty-one one hundredths (6.51) feet to a point in the original division line between the lands of James Brown and James G. King, where the same is intersected by the northwesterly line of lands

conveyed by Edward King to John Callery by deed dated June 15, 1883, and recorded in the Office of the Register of Hudson County, N. J., in Liber 380 of Deeds, page 344; thence southwesterly along the northwesterly line of lands so conveyed to Callery and parallel with the northwesterly line of the right of way of the New York and Fort Lee Railroad Company Fifty (50) feet; thence along the southwesterly line of lands conveyed to said Callery as aforesaid, south 50° 2′ east One hundred (100) feet more or less to the northwesterly line of the right of way of the New York and Fort Lee Railroad Company; thence northeasterly along the northwesterly line of said right of way on a curve to the right with a radius of One thousand nine hundred forty-three (1943) feet, a distance of Fifty (50) feet more or less to a stone monument set in the original division line between the lands of said James Brown and said James G. King; thence south 49° 51′ east along the said division line Two hundred thirty-one and thirty one hundredths (231.30) feet; thence south 50° 29′ east along the northerly line of lands under water granted by the Riparian Commissioners of New Jersey to Edward King by grant as aforesaid, Seven hundred sixty-nine and six tenths (769.6) feet more or less to the exterior line for solid filling, the point or place of beginning.

Containing Five and ninety one hundredths (5.90) acres of land more or less.

Excepting therefrom the rights of the New Jersey Junction Railroad Company and the New York and Fort Lee Railroad Company respectively, as to

the portions of said parcel within the respective rights of way of said Companies.

Excepting, however, from this lease the right and easement required for the operation of the so-called West Shore Ferry and slip free from interference or interruption on the part of the Lessee over the parcel of land under water marked Parcel No. 3 on map hereto attached, entitled "Map to Accompany Lease New York State Realty and Terminal Company to Cunard Terminal Corporation, Weehawken, Dated New York, May 24, 1920, Issue No. 5," and identified by the signature of George W. Kittredge, Chief Engineer; the reasonable movement of vessels approaching or leaving the two northerly piers shown on the General Plan hereinafter referred to and hereto attached shall not be considered an interference with the operation of said ferry under this paragraph.

Together, also, as to the two parcels of land above described, with all and singular the lands under water lying between the exterior line for solid filling and the exterior line for piers adopted by the Riparian Commissioners of New Jersey, and included within the extension easterly to said exterior pier line of the southerly line of Parcel No. 1 above described, and the northerly line of Parcel No. 2 above described, but said lands under water under the provisions of the grants thereof are not to be used for any purpose whatsoever excepting the erection of a pier or piers thereon underneath which the tide may ebb and flow, and no solid filling shall be placed thereon, and said lands under water are also subject to the covenants, conditions and limitations con-

tained in the grants thereof from the Riparian Commissioners of New Jersey.

Subject, however as to the two parcels of land above described, to the following: To the rights and easements for the construction, maintenance and operation of railroad tracks and appurtenances granted by the Lessor to The New York Central Railroad Company by instrument dated July 30, 1920 (a copy of which has been submitted by the Lessor to the Lessee), upon and over all that portion of said parcels lying westerly of a straight line drawn parallel with the Revocable Permit Pierhead Line approved by the Secretary of War, January 15, 1914, and distance westerly One thousand and two hundred fifty-five (1255) feet therefrom;

To the provisions of an Act of the State of New Jersey entitled "An Act to Ascertain the Rights of the State and Riparian Owners in the Lands lying under the waters of the Bay of New York and Elsewhere in the State," approved April 11, 1864, and of the amendments thereof and supplements thereto;

To the provisions of an Act of the State of New Jersey entitled "An Act to Create the New Jersey Harbor Commission and to Define its Powers and Duties," approved April 8, 1914, and of the amendments thereof and supplements thereto;

As to the portions of said parcels lying below the original line of high water, to all and singular the restrictions, covenants, limitations and conditions contained in the grants thereof by the Riparian Commissions of New Jersey to the predecessors in title

of the Lessor, and to the provisions of said grants in respect of the exterior line for solid filling and the exterior line for piers, and the changes in the location of said lines;

To the laws of the United States and the regulations of the various departments of the Federal Government in respect of said lands and the use thereof;

As to the portions of said parcels extending beyond the exterior line for piers as now or at any time hereafter established by the War Department, to the restrictions imposed upon the use of said lands by the Federal Government and the provisions of any permits issued or that may hereafter at any time be issued by the War Department or other department of the Federal Government in respect thereof;

To the following leases: To the Union Dry Dock and Terminal Company, dated May 20, 1919, to the Baxter Wrecking Corporation dated September 27, 1918, to the Delaware and Hudson Company dated June 27, 1911, to Louis Chevalier dated September 9, 1919, to Ira D. Cole dated July 7, 1920, which leases are terminable on notice of in no case in excess of ninety days, and also to lease to the Township of Weehawken of a strip of land ten feet in width for a stairway;

To the maintenance and operation by the New Jersey Junction Railroad Company of the tracks at present constructed upon said parcels of land pending the changes in the location thereof.

The Lessee having under contemplation the construction of structures over portions of the parcels

of land above described included within the respective rights of way of the New Jersey Junction Railroad Company and the New York and Fort Lee Railroad Company and also over certain portions of the parcels of land above described upon which the New York Central Railroad Company has the right to construct, maintain and operate railroad tracks under the grant above referred to, it is agreed that any structure so constructed shall be constructed and maintained at the expense of the Lessee in accordance with such plans, with such clearances and affording such traffic protection as may be approved by the railroad companies affected thereby.

For the term of twenty-one years to commence on the first day of August, 1920, and to end on the first day of August, 1941, at the annual rental or sum of Two hundred and ninety-seven thousand four hundred seventeen and 60/100 (297,417.60) Dollars, lawful money of the United States payable in equal monthly installments of Twenty-four thousand seven hundred eighty-four and 80/100 (24,784.80) Dollars in advance on the first day of August, 1920, and on the first day of each and every month in each and every year thereafter during the term of this lease and at the additional rentals hereinafter provided; the rental in this paragraph provided is hereinafter referred to as the Ground Rental.

The following are the additional rentals, covenants, conditions, limitations and agreements in respect of which this lease is made, and the Lessee

does hereby accept the same and covenant and agree to observe, comply with and conform thereto:

FIRST: That the Lessee shall well and truly pay to the Lessor at Grand Central Terminal, Borough of Manhattan, City of New York, the Ground Rental above provided on the days the same is payable without deduction, diminution or delay, and shall also as an additional rental hereunder, from time to time as they become payable, pay all sums that may during the term of this lease be assessed, imposed or charged upon the demised premises, or any part thereof, for water used thereon, whether computed upon a front foot basis, by meter or otherwise, and shall upon request furnish to the Lessor receipted bills showing such payment.

That the Lessee shall also as an additional rental hereunder, during each and every year of the term of this lease, pay, within sixty (60) days after the taxes or any installment thereof in any such year shall become a lien upon the parcels of lands above described, any and all taxes, ordinary or extraordinary for such year, that may be taxed, charged, imposed or assessed upon the parcels of land above described, or upon the Lessor, its successors or assigns, on account of the value of said parcels of land and the value of the improvements now or at any time hereafter constructed thereon; and shall, upon request, furnish to the Lessor receipted bills showing such payment.

In respect of the taxes for the year 1920, there shall be payable by the Lessee to the Lessor, within ten days of the presentation of bill therefor, the proportionate part of the said taxes assessed upon the parcels of land above

described for the portion of said year subsequent to August 1st, and in respect of the taxes for the last year of the term of this lease, or, in case of renewal of the last year of the last renewal term, there shall be payable by the Lessee only the proportionate part of said last year's taxes to August 1st. The tax year under this paragraph shall be deemed to commence on January 1st.

That the Lessee shall also, as an additional rental hereunder, pay within sixty (60) days after the same shall become a lien upon the parcels of land above described any and all other charges or assessments, for local improvements or otherwise, that may, during the term of this lease, be taxed, charged, imposed or assessed upon the parcels of land above described and the improvements now or at any time hereafter constructed thereon or any part thereof, and shall upon request furnish to the Lessor receipted bills showing such payment. In case, however, any such assessments shall be payable in installments, nothing herein contained shall impose any obligation upon the Lessee to pay any installment of any such assessment falling due subsequent to the expiration of the term of this lease or subsequent to the expiration of the last renewal term of this lease, if there be a renewal.

No portion of the taxes or assessments, if any, upon the capital stock, franchises, business or income of the Lessor shall be payable by the Lessee hereunder, and no portion of the taxes or assessments, if any, upon the capital stock, franchises, business or income of the Lessee shall be payable by the Lessor hereunder.

That the Lessee shall, however, have the right to contest in good faith by legal proceedings conducted promptly and at its own expense, in the name of the Lessee, Lessor, or both, any water rents, taxes, charges or assessments imposed upon the parcels of land above described and the improvements thereon, and in case any such water rents, taxes, charges or assessments shall, as a result of any such legal proceedings be reduced, cancelled, set aside or otherwise discharged, the Lessee shall be entitled to receive any sums which may be refunded, or which may be payable in any such proceedings on account of any such water rents, taxes, charges or assessments, with interest, if any, thereon recovered, which have theretofore been paid by the Lessee. In case, however, such legal proceedings shall be conducted in the name of the Lessor, the Lessee shall indemnify and save harmless the Lessor from any costs, charges or expenses in connection therewith.

That in case the Lessee shall fail to pay any of the water rents, taxes, charges or assessments payable by the Lessee hereunder, within the time above limited for the payment thereof by the Lessee, the Lessor shall have the right to pay any such water rents, taxes, charges or assessments so unpaid, with any interest and Penalties thereon, and the amount so paid by the Lessor shall become an additional rental under this lease, and payable at the time of the payment of the Ground rental next following the date of such payment by the Lessor, and the Lessee does covenant and agree in the event of such payment by the Lessor as aforesaid, to pay to the Lessor the amount so paid

with interest thereon, promptly upon the rendition of bills therefor.

That the Lessee shall also pay to the Lessor at the time of the execution and delivery hereof the sum of One million sixty-five thousand three hundred seventy-three and 70/100 Dollars, lawful money of the United States, on account of the cost of the pier now constructed upon a portion of the parcels and land above described and the dredging and other work performed by the Lessor.

SECOND: That the Lessee at its own cost and expense shall construct or cause to be constructed with all reasonable expedition upon the parcels of land above described, piers, with the necessary slips dredged alongside, bulkheads, warehouses and driveways and establish thereon a marine terminal equipped with all modern facilities requisite for the expeditious and economical handling and transfer of freight or of freight and passengers between vessels and railroad. Said terminal shall be constructed in general accordance with the layout shown on the General Plan, hereto attached, heretofore prepared by the Lessee, dated July 13, 1920, entitled "Cunard Terminal Corporation, Proposed Marine Terminal at Weehawken, N. J. Plan showing proposed structures on N. Y. S. R. & T. Company Property," and identified by the signature of Delos W. Cooke, and shall also be constructed in accordance with the laws of the United States and the State of New Jersey, and the rules and requirements of the various Boards, Commissions and Departments of the State and Federal Governments having jurisdiction, and in accordance with the ordinances of the Township of Weehawken and the rules and require-

ments of the various boards and authorities thereof having jurisdiction. After the construction thereof the Lessee, at its own cost and expense shall also maintain and operate said terminal upon the parcels of land above described, as a marine terminal equipped with approved modern machinery, devices, appliances and facilities for the economical and expeditious handling, warehousing, storage and transfer of freight or of freight and passengers between vessel and railroad, and shall in good faith endeavor, so far as the conditions of business will from time to time permit, to secure the handling and transfer of freight or freight and passengers at such terminal substantially to the full capacity thereof. The Lessor having acquired the parcels of land above described with a view to the construction, maintenance and operation thereon of a terminal such as is above described, it is further understood and agreed between the parties hereto that the Lessor shall have the right, and the Lessor hereby reserves the right at its election, in case the Lessee shall fail promptly to commence and continue with reasonable expedition the construction of such terminal upon the parcels of land above described, to give to the Lessee written notice of the existence of such default, and if such default shall then continue for a period of six months from the giving of such notice, to give a second notice in writing to the Lessee, to the effect that this lease and the term thereof will terminate, and end on a day to be named in said second notice, which day shall be at least ninety days subsequent to the date of the service of said second notice,

and in the event of the service of said second notice, this lease and the term hereof shall terminate and end upon the day named therein, and the Lessor shall have the right and is hereby authorized in that event to enter upon and take possession of the demised premises, free, clear and discharged of this lease, and of all rights of the Lessee hereunder, and may take such action or proceeding to that end as may be authorized by the laws of the State of New Jersey, for the purpose of the removal of a tenant holding over subsequent to the expiration or termination of the term of the lease, or the Lessor may upon the expiration of said period of ninety days take such other action or proceeding in the premises as to it shall seem advisable.

It is further understood and agreed between the parties hereto that in case the Lessee shall at any time or times during the continuance of this lease, fail to operate the said terminal within the intent of this paragraph Second, and such failure shall continue for the period of six months after written notice from the Lessor of the existence of such default, specifying the portion or portions of the demised premises in respect of which such default exists, or the entire demised premises in case the default exists in respect of the entire demised premises, then upon the expiration of said period of six months the Lessor may serve upon the Lessee a second notice in writing, and in case of the service of such second notice in writing, during such time subsequent to the service of such second notice as such default continues, the Lessee shall in addition to the Ground Rental and other rentals re-

served in this lease pay to the Lessor monthly, in advance as an additional rental under this lease:

(a) In case the default shall be in respect of the entire demised premises, the additional monthly sum of Twenty-four thousand seven hundred and eighty-four and 80/100 (24,784.80) Dollars; or

(b) In case the default shall be in respect of a portion or portions only of the demised premises, such proportion of said additional monthly sum of Twenty-four thousand seven hundred and eighty-four and 80/100 (24,784.80) Dollars as the frontage along the exterior line for solid filling of the portion or portions of the demised premises in respect of which such default exists, bears to the entire frontage along the exterior line for solid filling of the demised premises then under lease.

All the provisions of Paragraph Eleventh of this lease in respect of the rights of the Lessor in case of a default on the part of the Lessee in the payment of the additional rentals under this lease shall be applicable to a default on the part of the Lessee in the payment of the additional rental provided for in this paragraph "Second."

To the end that the Lessee may secure the compliance of any sub-tenant with the provisions of this paragraph "Second," the Lessee covenants and agrees to set forth this covenant in any sublease made by it with a provision for termination in case of a breach by such subtenant, and in case of a breach by subtenant, to take such actions or proceedings as may be authorized by law either to secure a compli-

ance of such sub-tenant with such covenant or the removal of such sub-tenant from the demised premises.

It is understood and agreed, however, that the Lessee shall not be deemed in default under the provisions of this paragraph "Second" during such time as the construction of said terminal or the maintenance and operation thereof as herein provided, shall be prevented by act of God, strikes, fire, flood, earthquake, lightning, epidemics, explosions, embargoes, war in, by or with the United States of America, or commandeering thereby, or a default on the part of the New York Central Railroad Company, under an operating agreement to be made with the Lessee, or any other cause or casualty beyond the power of the Lessee to prevent.

THIRD: That the Lessee at its own cost and expense, shall at all times operate or cause to be operated the demised premises in a careful and orderly manner and within the intent of the preceding paragraph "Second," and in such manner as will not interfere with the operation of the railroad and its appurtenances operated upon the adjoining premises; shall at all times maintain in good condition and repair the demised premises and the piers, slips, bulkheads, warehouses, driveways, and other structures and facilities now or at any time hereafter constructed thereon; shall obey, comply with and conform to all laws of the United States and of the State of New Jersey and the rules, orders, ordinances and regulations of the various Departments of the United States, the State of New Jersey and the Township of Weehawken in respect of the demised premises or the use

thereof, and the prevention of the fire thereon; shall comply with the provisions of the grants made by the Riparian Commissioners of the portions of the demised premises below the line of original high water; shall furnish all necessary fire protection to said terminal; and shall indemnify and save harmless the Lessor of and from all damages and costs and claims for same by reason of or growing out of the operations of the Lessee upon the demised premsies or by reason of or growing out of the failure of the Lessee to maintain the demised premises, structures and facilities in proper condition and repair, or by reason of or growing out of the failure of the Lessee to comply with the laws, rules, orders, ordinances and regulations of the Federal, State and Municipal authorities as aforesaid, or of the provisions of the grants from the Riparian Commissioners.

The Lessee shall, however, have the right to contest the validity or legality of any such rule or order by legal proceedings conducted with reasonable expedition, at its own expense, and pending such contest shall not be deemed in default in respect of the rule or order so contested, provided the Lessee shall furnish to the Lessor indemnity satisfactory to the Lessor, assuring the Lessor against any loss or damage by reason of the non-compliance with such rule or order pending such contest.

The Lessee may from time to time make such alterations, additions and improvements to the demised premises as may be necessary in order to maintain said premises as a properly equipped marine terminal within the intent of Paragraphs "Second" and "Fourth" hereof; but such alterations, additions and

improvements to the demised premises shall not be such as will in any manner interfere with the construction, maintenance, operation and use of the tracks, structures and facilities constructed, or that may be constructed upon the portion of the demised premises referred to in said grant under the grant made by the Lessor to The New York Central Railroad Company dated July 30th, 1920, above referred to.

That the Lessee shall also, at its own cost and expense, comply with all regulations, rules and requirements of the Board of Fire Underwriters in respect of the demised premises, and shall not knowingly permit any article to be brought upon, or any act to be done upon or about the demised premises that will cause the cancellation or invalidation of any policy of fire insurance thereon, or make it impossible to secure insurance at reasonable rates.

That the Lessee shall not use or permit the demised premises to be used for the storage (except temporarily in connection with the transfer thereof in the ordinary course of business of the Lessee) of dynamite, nitro glycerine, gun-powder or other material of such a character as by explosion or otherwise may cause damage or injury to the demised or surrounding premises; and shall observe all rules and regulations of the proper authorities in respect to the handling and transfer of combustible freight upon the demised premises.

FOURTH: That the Lessee and its sub-tenants, if any, shall use the demised premises only as a marine terminal in connection with the transportation of freight and passengers by water, and for the handling,

loading, storage, warehousing, receiving and delivery of freight and the handling and transfer of freight between vessel and railroad, and for the construction, maintenance and operation of such other structures and facilities as are properly incidental to the use of the premises for the purposes aforesaid; and shall use the demised premises for no other purpose.

FIFTH: That the Lessee shall not assign this lease or sub-let or underlet the demised premises or any part thereof without the written consent of the Lessor first had and obtained; which consent shall not be unreasonably withheld in respect of any sub-lease of portions of the demised premises to individuals or corporations for use within the intent of Paragraph "Second" and Paragraph "Fourth" hereof for the business of transportation by water in the Coastwise or Foreign Trade, provided that Paragraph "Second" and Paragraph "Fourth" hereof shall be applicable to the use made of the premises by such sub-tenant, and that a use inconsistent with the covenants hereof by such sub-tenant, shall be deemed a breach of the covenants hereof by the Lessee, to the extent and as provided in Paragraph "Second" hereof; warehouses constructed upon the portion of the demised premises westerly of the line of original high water may also be sub-let subject to all the covenants, conditions and limitations of this lease.

It is further understood and agreed, however, that the Lessee may mortgage its leasehold rights hereunder under a mortgage covering the premises owned by the Lessee in fee adjoining the demised premises on the south, to an aggregate amount not in excess of seventy-five (75%) per cent of the value of the said

premises owned by it in fee, plus seventy-five (75%) per cent of the cost of the improvements constructed by the Lessee upon the said premises owned by it in fee and upon its demised premises; provided, however, that the rights of any such mortgagee or successors in title, or of a purchaser or successor in title upon sale of the mortgaged premises shall as to the demised premises at all times be subject to the covenants and agreements contained in this lease.

SIXTH: That the Lessee shall permit no advertising upon the demised premises, except for the legitimate purposes of the Lessee or of a sub-tenant of the Lessee.

SEVENTH: That the Lessee shall not consent to or permit the construction of any railroad track or tracks in or upon the demised premises without the written consent of the Lessor first had and obtained.

EIGHTH: That the Lessee in connection with its use of the demised premises shall and hereby does covenant and agree to execute an agreement with The New Jersey Junction Railroad Company and/or The New York Central Railroad Company, whereby the Lessee shall assume the risk of loss, damage or injury by fire to property of or in the care or custody of the Lessee upon the demised premises, whether caused in whole or part by sparks from locomotives, contents of cars or other operations of said Railroad Companies upon the adjoining premises, and whereby the Lessee shall agree to indemnify and save harmless said Railroad Companies from all claims growing out of, and also from all loss, cost or expense by reason of loss of life, or damage or injury to em-

ployees of, or persons or property in the care or custody of the Lessee, caused in whole or part by railroad operations upon the demised or adjoining premises in connection with the receipt or delivery of freight to or from the Lessee.

NINTH: That the Lessor, its officers, agents and servants shall have the right at all reasonable times to enter upon the demised premises for the purpose of inspecting and examining the same, and in case the Lessee at any time or times during the term of this lease or any renewal term, if any there be, shall fail or neglect after thirty (30) days' notice from the Lessor to commence and duly prosecute to completion, the work of repair, renewal or maintenance in such manner as to keep the demised premises and the slips, piers, bulkheads, driveways and other structures thereon in good condition and repair, or to comply with the requirements of the Federal, State or Municipal authorities as provided in Paragraph "Third" hereof, or to observe and perform the provisions of the grants by the Riparian Commissioners of the portions of the demised premises below the line of original high water, the Lessor shall have the right and is hereby authorized upon reasonable notice to enter upon the demised premises and every part thereof and to make such repairs to the demised premises, slips, piers, bulkheads, driveways and other structures, or to perform such acts in order to comply with the requirements of the Federal, State and Municipal authorities as aforesaid or the provisions of said grants, as the case may be, as may be reasonably necessary, and the expense of any and all such repairs, and of the compliance with the requirements of said authorities and grants

as aforesaid shall be considered as additional rental hereunder and shall be payable by the Lessee upon the rendition of bills therefor.

TENTH: That the Lessee shall insure and keep insured during the term of this lease all structures now or hereafter constructed upon the parcels of land above described, in insurance companies approved by the Lessor, against loss or damage by fire to an amount equal to eighty (80) per centum of the reasonable reproduction value of said structures, excepting such portions of said structures as may by agreement of the parties be omitted from such insurance, with loss under said policies payable to the Lessor and Lessee as their interests may appear, and shall furnish the Lessor with duplicates of said policies.

In case during the term of this lease any structures constructed or to be constructed upon the parcels of land above described shall be damaged by fire, then:

(a) In case said damage shall not be so serious as to render said structures untenantable or as to amount to a total destruction of said structures, the Lessee shall at its own cost and expense repair the damage so caused by fire, and the insurance moneys recovered on account of such loss or damage by fire shall be deposited in a Trust Company of the City of New York approved by the Lessor and Lessee and paid over to the Lessee as the work of making such repairs progresses, as additional payments shall from time to time be required to be made on account thereof, and in case additional moneys shall be required to complete said repairs after the application of the sums

recovered under said policies of insurance as aforesaid, then all such additional moneys shall be paid by the Lessee, and in case the insurance moneys recovered shall be in excess of the sum required to put said structures in complete repair, the Lessee shall be entitled to such excess;

(b) In case the loss or damage by fire as aforesaid shall be so serious as to render said structures untenantable, or shall amount to a total destruction of said structures then the Lessee shall proceed with all reasonable expedition to restore or rebuild, as the case may be, the structures so destroyed or rendered untenantable, in substantial accordance with the plans and specifications of the structures so destroyed, or in case the parties hereto so agree, in accordance with such other plans and specifications as may be agreed upon by the parties hereto. The insurance moneys recovered on account of such loss or damage by fire shall be deposited in a Trust Company of the City of New York approved by the Lessor and Lessee and applied on account of the cost of the restoration or rebuilding said structures as aforesaid, as the work of restoration or rebuilding progresses, and the Lessee shall pay any and all additional moneys required in such restoration or rebuilding in excess of the insurance moneys recovered, and shall be entitled to receive the surplus, if any, remaining of the deposit after such restoration or rebuilding as aforesaid;

(c) In case, however, any loss or damage by fire shall occur during the third renewal term provided for in Paragaph "Fouteenth" hereof, if there be such renewal term, the Lessee upon payment or assign-

ment to the Lessor of the full amount recoverable under the policies of insurance, and upon payment of the amount then due from the Lessee to the Lessor, and upon the surrender to the Lessor of the demised premises, free from all tenancies, liens and encumbrances, shall have the right to terminate and end the renewal term of the lease in question by the service of a written notice upon the Lessor of its election so to do, and in that case upon the service of said notice and the payment and surrender aforesaid, the said lease and the term thereof shall terminate and end;

(d) No reduction or diminution shall be made in the rentals and additional rentals in this lease reserved by reason of such loss or damage by fire; but this provision is subject to the right of the Lessee to terminate as provided in subdivision (c) above.

ELEVENTH: That in case the demised premises during the term of this lease shall be abandoned by the Lessee, or in case the Lessee shall for the period of thirty (30) days after the same is payable fail to pay the Ground Rental or any part thereof, or in case the Lessee shall for the period of sixty (60) days after payment is requested by the Lessor fail to pay the water rents, taxes, charges or assessments herein provided or any of the other additional rentals herein provided, or any part thereof, or shall fail after ninety (90) days' notice from the Lessor in any case hereunder where a longer notice is not specified, or in any case where a longer notice is specified, then after such longer notice, to proceed with reasonable diligence to the performance or observance of

any of the other covenants and agreements herein contained to be performed by the Lessee, or in case the Lessee shall be declared bankrupt or insolvent according to law, or in case this lease shall be assigned or incumbered without the written consent of the Lessor or in case this lease shall by operation of law devolve upon or pass to any corporation, person or persons other than the Lessee, or in case the Lessee shall, for the period of ninety (90) days after notice from the Lessor fail either to secure the satisfaction and discharge of any mechanics' lien, or any conditional bill of sale or chattel mortgage upon any materials, fixtures or articles used in the construction of or appurtenant to any structures constructed or to be constructed upon the parcels of land above described, or to furnish indemnity in respect thereof satisfactory to the Lessor, the Lessor may in either or any of such cases, terminate and end this lease and the term hereof by giving to the Lessee a notice in writing to the effect that this lease and the term thereof will terminate and end on a day to be named in said notice, which day shall be at least thirty (30) days subsequent to the date of the service of said notice and in case of the service of said notice this lease and the term thereof shall terminate and end upon the day named therein. If upon the termination of this lease as aforesaid the Lessee, or such corporation, person or persons as shall then be in occupancy of the demised premises shall fail immediately to surrender possession of the demised premises to the Lessor, the Lessor may remove the Lessee and such corporation, person or persons therefrom by any action or proceeding authorized in the case of a holding-over tenant under the laws of the State of

New Jersey, or may otherwise remove the Lessee and such other parties therefrom as to the Lessor may seem advisable.

The provisions herein contained shall not, however, be deemed exclusive, but in case of any default on the part of the Lessee continuing for the period of thirty (30) days after notice from the Lessor, the Lessor may, at its election, pursue any other remedy to which it may be entitled under the Laws of the State of New Jersey, in the case of a default on the part of a lessee.

It is expressly agreed, however, between the parties hereto, that in case the Lessee shall fail to maintain and operate a marine terminal upon the demised premises as provided in Paragraphs "Second" and "Fourth" hereof, the remedies of the Lessor, in case of such default, contained in Paragraph "Second" hereof, shall be deemed exclusive, and this Paragraph "Eleventh" shall not apply in case of such default unless the Lessee shall fail for the period of sixty (60) days to pay the additional monthly sums required to be paid by the Lessee in case of such default under said Paragraph "Second."

The acceptance of any rentals or additional rentals hereunder shall not be deemed a waiver of a default of the Lessee under any of the other provisions of this lease, nor shall the waiver of a particular default upon the part of the Lessee be deemed the waiver of any other default or the same default subsequently occurring.

Any rentals or additional rentals payable by the Lessee to the Lessor hereunder shall bear interest from the date that such rentals are payable hereun-

der, and the said interest shall be payable by the Lessee at the time of the payment of said rentals.

In case of the termination of this lease under this Paragraph "Eleventh," whereby all rights of the Lessee hereunder shall be terminated and at an end, if at the time of such termination there shall be a mortgage (not in excess of the aggregate amount permitted under Paragraph "Fifth" hereof) upon the leasehold rights of the Lessee under this lease, the Lessor will upon request of the mortgagee under said mortgage, made within thirty (30) days of such termination of this lease, upon such mortgagee paying to the Lessor all sums due from the Lessee to the Lessor under this lease, and assuming all the obligations of the Lessee under this lease, execute a new lease of the premises under lease to the Lessee at the time of such termination to such mortgagee or to such party as such mortgagee may request, for the remainder of the term of this lease subsequent to such termination at the rentals and additional rentals, and upon the covenants, conditions, limitations and agreements herein contained, including covenants as to renewals.

TWELFTH: That either the Lessor or Lessee shall have the right, not earlier than nine months prior to the date of the expiration of the term of this lease and not later than six months prior to the date of the expiration of the term of this lease, to serve upon the other party hereto a notice in writing to the effect that the party serving such notice elects that his lease shall be renewed for a further term of twenty-one (21) years from the date of the expiration of the term of this lease. In the event that either party

shall elect to renew this lease as aforesaid, and shall serve notice of such election as aforesaid, then, upon the expiration of the term hereof, a renewal lease shall be executed by and between the parties hereto, whereby the Lessor shall let unto the Lessee, and the Lessee shall take and hire from the Lessor, the parcel of land above described with the exceptions and reservations above set forth and subject as aforesaid for the term of twenty-one (21) years from the date of the expiration of the term hereof, at the annual Ground Rental and at the other additional rentals herein contained, and upon the other terms, covenants, conditions, limitations and agreements herein contained, except that said renewal lease shall provide that upon the expiration of said first renewal term, either party shall have the right to require a further renewal as provided in Paragraph "Thirteenth" hereof.

THIRTEENTH: That if upon the expiration of the term of this lease, this lease shall be renewed as provided in Paragraph "Twelfth" hereof, then the said renewal lease to be executed in that event shall provide that upon the expiration of the term of said renewal lease, either the Lessor or Lessee shall have the option not earlier than nine months prior to the date of the expiration of said renewal term and not later than six months prior to the date of the expiration of said renewal term, to serve upon the other party hereto a notice in writing to the effect that the party serving such notice elects that this lease shall again be renewed for the further term of twenty-one (21) years from the date of the expiration of the first renewal term of this lease. In the event that either party shall elect again to renew this lease and shall serve notice of election as aforesaid, then, upon the

expiration of the first renewal term, a second renewal lease shall be executed by and between the parties hereto, whereby the Lessor shall let unto the Lessee and the Lessee shall take and hire from the Lessor the said parcels of land above described with the exceptions and reservations above set forth and subject as aforesaid for the term of twenty-one (21) years from the date of the expiration of the first renewal term, at the annual Ground Rental, and at the other additional rentals herein contained, and upon the other terms, covenants, conditions, limitations and agreements herein contained, except that said second renewal lease shall provide that upon the expiration of said second renewal term, either party shall have the right to require a further renewal as provided in Paragraph "Fourteenth" hereof.

FOURTEENTH: That if upon the expiration of the first renewal term of this lease, this lease shall be renewed as provided in Paragraph "Thirteenth" hereof for a second renewal term then the renewal lease to be executed in that event shall provide that upon the expiration of the term of the second renewal lease, either the Lessor or Lessee shall have the option not earlier than nine months prior to the date of the expiration of said second renewal term, and not later than six months prior to the date of the expiration of said second renewal term, to serve upon the other party hereto a notice in writing to the effect that the party serving such notice elects that this lease shall again be renewed for the further term of twenty-one (21) years from the date of the expiration of the second renewal term of this lease, and in the event

that either party shall elect again to renew this lease and shall serve notice of election as aforesaid, then upon the expiration of the second renewal term a third renewal lease shall be executed by and between the parties hereto, whereby the Lessor shall let unto the Lessee and the Lessee shall take and hire from the Lessor, the said parcels of land above described, with the exceptions and reservations above set forth, and subject as aforesaid for the term of twenty-one (21) years from the date of the expiration of the second renewal term, at the annual Ground Rental and at the other additional rentals herein contained, and upon the other terms, covenants, conditions, limitations and agreements herein contained, except that the said third renewal lease shall provide that upon the expiration of said third renewal term neither party shall have the right to require a further renewal lease.

FIFTEENTH: That the Lessee upon the expiration or other termination of the term or last renewal term of this lease, shall give up and surrender to the Lessor the demised premises and every part thereof together with all betterments and improvements meanwhile constructed in good condition and repair, damages by the elements and reasonable wear and tear excepted.

SIXTEENTH: That the Lessee on paying the rentals and additional rentals, and observing and performing the covenants, conditions, limitations and agreements herein contained on the part of the Lessee to be observed and performed all as herein provided, shall and may peaceably and quietly have, hold and enjoy the said demised premises for the term aforesaid, subject, however, to the Laws of the United States and of the State of New Jersey in respect of the

portions of said parcels of land as are below the line of high water as aforesaid.

SEVENTEENTH: The Lessor in consideration of the sum of One Dollar, and the covenants and agreements on the part of the Lessee herein contained, does hereby further covenant and agree that if it shall at any time during the term of this lease or any renewal thereof desire to sell the demised premises (to any person or corporation other than the New Jersey Junction Railroad Company, the New York Central Railroad Company or a successor corporation of either thereof, or other than such other corporation the stock of which shall be owned or controlled by The New York Central Railroad Company or one of its affiliated Companies or successor of either thereof) and shall have received a bona fide offer for said premises from an intending purchaser which it is willing to accept, it will give immediate notice of such offer in writing to the Lessee, and the Lessee shall within twenty (20) days after the receipt of such notice inform the Lessor whether or not it desires to purchase said premises upon the terms stated in such offer. Should the Lessee notify the Lessor in writing within the twenty (20) days aforesaid that it desires to purchase said premises upon the terms stated in such offer, then the Lessee shall pay the consideration named in said offer within forty (40) days from the time of the receipt of such offer from the Lessor, in accordance with the terms of such offer, and the Lessor upon receipt of the consideration as aforesaid, shall execute and deliver to the Lessee a proper deed for the conveyance of the fee of the premises above described to the Lessee with the appurtenances, free

from all encumbrances except this lease and the various covenants, conditions and reservations above referred to, subject to which this lease is made.

It is understood and agreed, however, that this Paragraph "Seventeenth" shall not apply to a sale made by the Lessor to the New Jersey Junction Railroad Company, to The New York Central Railroad Company, or a successor corporation of either thereof, or to such other corporation the majority of the stock of which shall be owned or controlled by The New York Central Railroad Company or one of its affiliated Companies or a successor of either thereof. In case of a sale to any such corporation, this Paragraph shall continue binding upon such grantee to the same effect and subject to the same exceptions as herein contained.

EIGHTEENTH: The Lessor further agrees that it will on request of the Lessee join with the Lessee in any necessary application to the Federal, State or Municipal authorities having jurisdiction over the demised premises for any rights, permits, licenses or privileges necessary to be obtained to enable the Lessee to use the demised premises for the purpose herein authorized; any cost or expense in connection with such rights, permits, licenses, or privileges to be borne by the Lessee, and any obligations imposed thereby to be assumed, as between the parties hereto, by the Lessee.

NINETEENTH: That any notice required to be given by the Lessor under the term of this lease may be given by delivering such notice to a general officer of the Lessee, or by the mailing of said notice by registered mail to the Lessee at 83 Montgomery street,

in the City of Jersey City, N. J., or to such other address as may be furnished by the Lessee to the Lessor for such purpose.

That any notice required to be given by the Lessee under the term of this lease may be given either by delivering such notice to a general officer of the Lessor at the Grand Central Terminal, New York City, if any general officer of the Lessor can be readily found at such terminal, or if such general officer cannot be readily found, by the mailing of such notice by registered mail to the Lessor, addressed to the Lessor at Grand Central Terminal, 42nd street and Vanderbilt avenue, New York City, or to such other address as may be furnished by the Lessor to the Lessee for such purpose.

TWENTIETH: This Agreement shall enure to the benefit of and be binding upon the successors and assigns of the respective parties hereto, provided, however, that no assignment hereof shall be made by the Lessee without the written consent of the Lessor first had and obtained.

IN WITNESS WHEREOF the parties hereto have caused the execution of this Agreement the day and year first above written.

NEW YORK STATE REALTY AND TERMINAL COMPANY,

By A. H. SMITH,
President.

(Seal.)

Exhibit P26

Attest:
E. F. Stephenson,
Secretary.

CUNARD TERMINAL CORPORATION,
By DELOS W. COOKE,
President.

(Seal.)

Attest:
R. S. Courtney,
Secretary.

State of New York,
County of New York, ss:

On this 30th day of July, 1920, before me personally came Alfred H. Smith, to me known, and known to me to be President of The New York State Realty and Terminal Company, who being by me duly sworn, deposes and says: That he resides at Chappaqua, New York; that he is the President of the New York State Realty and Terminal Company, one of the corporations described in and which executed the foregoing instrument, and knows the corporate seal thereof; that the seal affixed to the foregoing instrument is the corporate seal of the New York State Realty and Terminal Company, and was affixed thereto by authority of the Board of Directors of said corporation, and that he signed his name thereto as President by like authority.

P. F. YOUNG,
Notary Public, Westchester Co., N. Y.
Certificate filed in New York Co. No. 12.
New York Co. Register No. 2011.
My Commission Expires March 30, 1922.

(Seal.)

State of New York,
County of New York, ss:

On this 30th day of July, 1920, before me personally came Delos W. Cooke, to me known, and known to me to be the President of the Cunard Terminal Corporation, who being by me duly sworn, deposes and says: That he resides in the City of New York; that he is the President of the Cunard Terminal Corporation, one of the corporations described in and which executed the foregoing instrument, and knows the corporate seal thereof; that the seal affixed to the foregoing instrument is the corporate seal of the Cunard Terminal Corporation, and was affixed thereto by authority of the Board of Directors of said corporation, and that he signed his name thereto as President by like authority.

P. F. YOUNG,
Notary Public, Westchester Co., N. Y.
Certificate filed in New York Co. No. 12.
New York Co. Register No. 2011.
My Commission Expires March 30, 1922.

(Seal.)

Exhibit P26

Revision Date Authority Made by Checked Letter Date Dig. Sig.	New Issue 1 Revision consists of
Revision Date 6-30-20 Authority R. E. D. Made by L. A. T. Checked Letter Date Dig. Sig.	New Issue 2 Revision consists of changing distance along northerly boundary Parcel No. 2 from stone monument to line for solid filling to agree with deed. Indicating line for solid filling as established by the Riparian Commissioners of New Jersey and omitting approval of Secy. of War.
Revision Date 7-20-20 Authority R. E. D. Made by A. H. K. Checked Letter Date Dig. Sig.	New Issue 3 Revision consists of inserting name of Lessee in title.
Revision Date 7-24-20 Authority R. E. D. Made by L. A. T. Checked Letter Date Dig. Sig.	New Issue 4 Revision consists of changing line 1,220′ from revocable permit Pierhead line to 1,255.
Revision Date 7-29-20 Authority R. E. D. Made by C. D. E. Checked Letter Date Dig. Sig.	New Issue 5 Revision consists of changing length of division line between Parcels 1 & 2 from 1,108.62 to 1,110.44 Word "The" erased from title.

Exhibit P27.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FLOYD S. CORBIN

Block	Lot	Description	Area in Acres	Rate		Total Value
2176	West Shore Ferry Weehawken	N. J. Junction Main Stem to Pierhead Line	20.795	Frontage of 530′ on Pierhead Line and depth of 1,000′ @ $1,200 per front foot (12.167 acres @ $52,250 per acre)	$ 636,000	
				Residue of 8.628 acres @ $30,000 per acre	258,840	
						$ 894,840
2176	Terminal Yard Weehawken	North of Ferry Main Stem to Pierhead Line	59.720	Frontage of 1,624′ average on Pierhead Line and depth of 1,565′ @ $1,500 per front foot (59.720 acres @ $41,750 per acre)		2,436,000
2178 2247	Terminal Yard, West New York	From Weehawken line to N. Y. O. & W. Coal Pier Property	114.281	Frontage of 2,117′ on Pierhead Line and depth of 1,565′ @ $1,500 per front foot (76 acres @ $41,750 per acre)	$3,175,500	
				Frontage of 2,117′ on Pierhead Line and depth of 956′ average @ $750 per front foot (38.281 acres @ $36,800 per acre)	1,587,700	
						4,763,200

Exhibit P27

Block	Lot	Description	Area in Acres	Rate		Total Value
2176	Main Stem	From Bulkhead Line at West Shore Ferry running through Terminal Yard and north 1,040'	8.371	41,750		349,489
2178	Main Stem	From Weehawken line running north	2.755	41,750		114,821
2178	Main Stem	Weehawken Line north to N. Y.	9.970	4.985 acres @ $41,750	$208,123	
2247		O. & W. Railroad property		4.985 acres @ 36,800	183,449	
						391,572

The foregoing appraisals are as of Jany. 1, 1921.

FLOYD S. CORBIN.

Exhibit P28.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FLOYD S. CORBIN

Block	Lot	Description	Area in Acres	Rate		Total Value
19	Jersey City Terminal	Hudson St. to Pierhead Line	131.840	Frontage of 2,147.35′ on Pierhead Line, and depth of 1,635′ @ $2,200 per front foot (46.818 acres @ $58,613 per acre)	$2,744,170	
				Residue of 85.022 acres @ $43,560 per acre	3,703,558	
						$6,447,728
139	Hoboken Terminal	Henderson St. to Pierhead Line	40.068	$53,795 Avge.		2,155,477
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	65,340		673,982
260	Manor	Foot 11th St., Hoboken	7.621	Frontage of 333′ on Pierhead Line and depth of 1,054′ at $1,250 per front foot (7.621 acres at $54,631 per acre)		416,250
240 261	X Ocean S. S. Co. property	Hudson St. bet. 11th and 12th St., Hoboken	16.136	Frontage of 545′ on Pierhead line and depth of 1,300′ at $1,700 per front foot (16.136 acres @ $57,418 per acre)		926,500

40 30 20 10

Block	Lot	Description	Area in Acres	Rate	Total Value
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	Frontage of 69′ on Pierhead line and depth of 968′ average @ $1,000 per front (1.525 acres @ $45,245 per acre)	69,000
19	Main Stem Jersey City Terminal Yard	Henderson St. to Hoboken line	3.240	48,905	158,452
139	Main Stem Terminal Hoboken Yard	Jersey City Line to Bulkhead line	3.728	53,795	200,547

The foregoing appraisals are as of Jan. 1, 1921.

FLOYD S. CORBIN.

Exhibit P29.

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FLOYD S. CORBIN

Block	Lot	Description	Area in Acres	Rate		Total Value
17	Main Stem Jersey City	Hudson St. to Bulkhead Line	6.257	$53,007		$ 331,654
16	B-6	Terminal Tract south of Pavonia Ave.	16.555	64,986		1,075,533
17	A-2	Terminal tract north of Pavonia Ave.	67.880	Frontage of 1,010′ on Pierhead line and depth of 1,689′ @ $2,200 per front foot (39.161 acres @ $56,740 per acre)	$2,222,000	
				Residue 28.669 acres @ $47,910 per acre	1,373,531	
						3,595,531
16	Pavonia Ave. Ferry	Tract under water foot Pavonia Ave.	2.816	Frontage of 130′ on Pierhead line and depth of 945.67′. Average @ $900 per front foot (3.164 acres @ $42,067 per acre)		133,101
16	Pavonia Ave. Ferry	Tract under water foot Pavonia Ave.	3.164	Frontage of 147.89 feet on Pierhead Line and depth of 928.91′ @ $900 per front foot (2.816 acres @ $41,547 per acre)		117,000

The foregoing appraisals are as of Jany. 1, 1921.

FLOYD S. CORBIN.

Exhibit P30.

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FLOYD S. CORBIN

Block	Lot	Description	Area in Acres	Rate		Total Value
1507	Main Stem	Greenville Terminal. Morris Canal to Bulkhead line	12.731	$13,200		$ 168,049
1507	Terminal Tract	Greenville between Morris Canal and exterior line for piers	343.137	237.837 acres @ 13,200	$3,140,000	
				105.3 acres @ 4,000	421,200	
						3,561,200
8	Main Stem	Main Yard from Washington St. to Bulkhead line	2.932	87,120		255,435
8	Main Terminal Tract	Washington St. to exterior line for piers	30.564	Frontage of 716.53′ on Pierhead line and depth of 1,311′ average @ $2,100 per front foot (21.56 acres @ 70,000)	$1,504,713	
				Frontage of 150′ on Pierhead line and depth of 677′ @ $1,200 per front foot (2.33 acres @ $77,200)	180,000	
				Residue of 6.674 acres @ $87,000	580,638	
						2,265,351

Block	Lot	Description	Area in Acres	Rate		Total Value
8	P. R. R. Ferry	Foot of Exchange Place, J. C.	3.623	Frontage of 240.72′ on Pierhead line and depth of 657′ average @ $1,250 per front foot (3.623 acres @ $83,520 per acre)		300,900
15	Main Stem	Harsimus Yard, Henderson St., to west of Bulkhead line	6.682	60,400		403,592
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead Line	98.835	Frontage of 900′ on Pierhead line and depth of 1,662.50′ @ $2,500 per front foot (33.878 acres @ $66,400 per acre)	$2,250,000	
				Frontage of 930′ on Pierhead Line and depth of 1,700 ft. @ $2,000 per front foot (36.294 acres @ $51,250 per acre)	1,860,000	
						5,973,095
239 260	Hoboken shops	Land at Castle Point on Hudson River, Shore Rd. to exterior line for Piers	8.249	43,560		359,326

The foregoing appraisals are as of Jany. 1, 1921.

FLOYD S. CORBIN.

Exhibit P31.

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FLOYD S. CORBIN

Block	Lot	Description	Area in Acres	Rate		Total Value
2145	43 Main Stem	Jersey Ave. to 160′ west of Van Vorst St., J. C.	5.941	$18,764		$ 111,476
2145	42 Main Stem	160′ west of Van Vorst St. to Washington St., J. C.	2.433	44,554		108,400
2145	Main Stem	Washington St. to Bulkhead line, J. C.	2.835	45,600		129,276
2145	45-C	Land outside Main Stem north and south from 160′ west of Van Vorst St. extended to center line Jersey Ave. extended, J. C.	25.673	Frontage of 2,100′ on Pierhead line and depth of 400′ @ $200 per front foot (20.527 acres @ $20,946 per acre)	$ 420,000	
				Residue of 5.146 acres @ $12,000 per acre	61,752	
						481,752
2145	45-D	Land outside Main Stem north and south of Main Stem from center line of Washington St. extended to 160′ west of Van Vorst St. extended, J. C.	10.100	Frontage of 1,125′ on Pierhead line and depth of 400′ at $400 per front foot (10.100 acres @ $44,554 per acre)		450,000

2145	38-A 45-A	Terminal Tract, Hudson River, J. C.	38.380	Frontage of 823′ on Pierhead Line and depth of 1,700′ @ $1,800 per front ft. (38.380 acres @ $45,610 per acre)		1,750,740
1497	3	Land outside Main Stem, National Storage Co. from Caven Point Road to exterior line for piers, J. C.	88.365	Frontage of 848.84′ on Pierhead line and depth of 1,200′ at $550 per front foot (23.37 acres @ $20,000 per acre)	$ 466,662	
				Frontage of 848.84′x1,400′ @ $450 per front foot (32.497 acres @ $11,400 per acre)	381,978	
				Frontage of 848.84′x1,400′ @ $400 per front ft. (32.489 acres @ $10,400 per acre)	339,536	
						1,188,176

The foregoing appraisals are as of Jany. 1, 1921.
FLOYD S. CORBIN.

New Jersey State Library

Exhibit P32.

CENTRAL RAILROAD COMPANY OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FLOYD S. CORBIN

Block	Lot	Description	Area in Acres	Rate		Total Value
2145	Main Stem	Terminal tract 160′ west of Van Vorst St. to bulkhead line, J. C.	5.464	$38,500		$ 210,364
2145	Main Stem	Terminal tract 160′ west of Van Vorst St. to center line of Jersey Ave. extended, J. C.	6.302	15,500		97,681
	Main Stem	Beginning to Highway, Bayonne	7.504	12,000		90,048
	Main Stem	Highway to end of Line, Bayonne	4.359	12,000		54,960
	Main Stem	2,000′ back to end, Bayonne	4.028	20,000		80,560
2145	Terminal Tract	160′ west of Van Vorst St. to Pierhead Line, J. C.	97.063	Frontage 1,270′x1,200′ average @ $1,200 (32.986 acres @ $46,250)	$1,524,000	
				Frontage 1,245′x1,400′ @ $1,200 (40 acres @ $37,300 per acre)	1,494,000	
				Residue of 24.077 acres @ $30,000 per acre	722,310	
						3,740,310

2145	48-D	Philip St. to Pierhead Line, New York Bay, J. C.	71.30	Frontage of 1,080′ on Pierhead line and depth of 1,416′ average @ $600 per front foot (29.551 acres @ $21,928 per acre)	$ 648,000	
				Residue of 41.749 acres @ $12,000 per acre	500,988	
						1,148,988
2154	22-G	Philip St. Branch to Pierhead Line, New York Bay, J. C.	84.724	Frontage of 720′ on Pierhead line and depth of 1,414′ average @ $600 per front foot (23.371 acres @ $18,484 per acre)	432,000	
				Residue of 61.353 acres @ $12,000 per acre	736,236	
						1,168,236
2154	Part 22-J	Philip St. to Pierhead Line, New York Bay, J. C.	96.049	Frontage of 802′ on Pierhead Line and depth of 1,584′ average @ $750 per front foot (29.163 acres @ $20,630 per acre)	$ 601,500	
				Residue of 66.886 acres @ $12,000 per acre	802,632	
						1,404,132

40 30 20 10

2145	Land outside Main Stem	South of Main Stem, 160′ west of Van Vorst St. to Jersey Ave., J. C.	28.718	15,000	430,770
2145	Land outside Main Stem	North of Main Stem, 160′ west of Van Vorst St. to Jersey Ave., J. C.	24.613	16,000	393,808
2048	H	Center line Jersey Ave. extended to National Docks Branch, Lehigh Valley, J. C.	3.120	16,000	49,920
2148	S	Communipaw Ave. and Philip St., J. C.	19.611	12,000	235,332
2154	22-D	S. E. of Philip St., foot of Communipaw Ave., J. C.	5.610	12,000	67,320
2145	25-A 25-D	Jersey Ave. if extended, south of Morris Canal	3.352	12,000	47,832
	Port Johnston	2,000′ back of Pierhead line to Pierhead line, Kill von Kull, Bayonne	19.342	20,000	386,840

The foregoing appraisals are as of Jany. 1, 1921.

FLOYD S. CORBIN.

Exhibits of State.

Exhibit S1.

NEW YORK CENTRAL RAILROAD COMPANY,

Hudson County, N. J.

Appraisal by Frederick Dunham.

The parcels of First and Second Class Railroad Property appraised by me consist of the land in the Terminal Yard in Weehawken and West New York, and the Main Stem from Park Avenue, Weehawken to the County Line at North Bergen, Hudson County, N. J.

The Terminal Yard has a frontage of about 6,712 feet on the Hudson River; an average depth of about 1,550 feet, and a total area of 241,225 Acres, including Main Stem.

I value this Terminal Tract as follows:

26.846	Acres of Land in Main Stem @	$75,000.00	$ 2,013,450.00
210.690	Acres of Land in Second Class @	$75,000.00	15,801,750.00
3.689	Acres of Land in Second Class @	$25,000.00	92,225.00
241.225	Acres Total		$17,907,425.00

Exhibit S1

I value the Main Stem, from Park Avenue, Weehawken, to south side of Terminal Yard, as follows:

13.683	Acres of land in Main Stem @	$75,000.00	$1,026,225.00

I value the Main Stem from the North side of the Terminal Yard, to County Line, as follows:

6.112	Acres of Land in Main Stem @	$75,000.00	$458,475.00

For comparison with Railroad Company's schedules, I have annexed hereto a similar schedule showing the same parcels with my rate and total value opposite each parcel.

FREDERICK DUNHAM.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By FREDERICK DUNHAM

Block	Lot	Description	Area in Acres	Rate			Total Value
2176	West Shore Ferry	N. J. Junction Main Stem to Pierhead Line	20.795	$75,000			$1,559,625
2176	Weehawken Terminal Yard	North of Ferry Main Stem to Pierhead Line	59.720	75,000			4,479,000
2176	Weehawken Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.370	25,000	Slope		9,250,000
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.155	75,000			11,625
2176	Land outside Main Stem	West of N. J. Junction Main Stem "Y" to West New York Line	1.258	75,000			94,350
2176	Land outside Main Stem	3 parcels west of N. J. Jct. Main Stem at "Y" & north to West New York Line	0.358	75,000		26,850	
			0.947	25,000	Slope	23,675	
			2.372	25,000	Slope	59,300	
			3.677		Total		109,825
			114.281	75,000			8,571,075

40 30 20 10

Exhibit S1

Block	Lot	Description	Area in Acres	Rate	Total Value
2178	Land outside Main Stem	West of N. Y. & Fort Lee R. R. Main Stem and north of Weehawken Line	9.740	75,000	730,500
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad Property	2.224	75,000	166,800
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad Property	2.159	75,000	161,925
2176	Main Stem	From Bulkhead line at West Shore Ferry, running through Termin'l Yard & north 1040'	8.371	75,000	627,825
2178	Main Stem	From Weehawken line running north	2.755	75,000	206,625
2173	Main Stem	From Clifton Road running south	2.502	75,000	187,650
2178 2247	Main Stem	Weehawken Line north to N. Y. O. & W. Railroad property	9.970	75,000	747,750
2163 2173 2176	Main Stem	From Park Ave., Weehawken to West New York Line	16.931 5.750 in yd. 11.181 S. of yard	75,000	1,269,825
2247	Main Stem	Back of American Cotton Oil Co. property, Guttenburg, West New York line, south	0.243	75,000	18,225
2257	Main Stem	Back of American Cotton Oil Co. property, Guttenburg	0.670	75,000	50,250
2259	Main Stem	Guttenburg Line to Bergen County Line	5.200	75,000	390,000

FREDERICK DUNHAM.

Exhibit S2.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY,

Hudson County, N. J.

Appraisal by Frederick Dunham.

The parcels of First and Second Class Railroad Property appraised by me, consist of the Land in the Terminal Yard in Jersey City and Hoboken, and the Marine Yard in Hoboken.

The Terminal Yard has a frontage of about 2,600 feet on the Hudson River; an average depth of about 3,200 feet, and a total area of 189.191 Acres, including Main Stem and Ferry.

I value the Terminal Tract as follows:

3.240	Acres of land in Main Stem, Jersey City @	$120,000	388,800
3.728	Acres of land in Main Stem, Hoboken @	$120,000	447,360
131.840	Acres of land in Second Class, Jersey City @	$120,000	15,820,800
40.068	Acres of land in Second Class, Hoboken @	$120,000	4,808,160
10.315	Acres of land in Second Class, Hoboken @	$120,000	1,237,800
189.191	Acres Total		$22,702,920

The Marine Yard, known as the Manor and Ocean Steamship Tracts, has a frontage of 875 feet on the Hudson River; an average depth of 1,200 feet, and a total area of 23.757 Acres.

Exhibit S2

I value these tracts as follows:

7.621	Acres of land in Manor Tract @	$87,000	663,027
16.136	Acres of Land in Ocean S.S. Tract @	$87,000	1,403,832
23.757	Acres	Total	$2,066,859

The tract known as the Upper Ferry Basin is a part of the Ferry Property used as Second Class, and has a frontage of about 69 feet on the Hudson River; an average depth of 1,460 feet, and an area of 1.525 Acres.

I value this tract as being in the same ownership and part of the Ferry Property, as follows:

1.525	Acres of land @	$109,000	$166,225

FREDERICK DUNHAM.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

Block	Lot	Description	Area in Acres	Rate	Total Value
19	Jersey City Terminal	Henderson St. to Pierhead Line	131.840	$120,000	$15,820,800
139	Hoboken Terminal	Henderson St. to Pierhead Line	40.068	120,000	4,808,160
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	120,000 2.75 sq. ft.	1,237,800
260	Manor Property	Foot 11th St., Hoboken	7.621	87,000 2.75 sq. ft.	663,027
240	X	Hudson St. between 11th St. &	16.136	87,000 2.00 sq. ft.	1,403,832
261	Ocean S. S. Company Property	12th St., Hoboken		2.00 sq. ft.	
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	109,000 2.50 sq. ft.	166,225
19	Main Stem	Henderson St. to Hoboken Line	3.240	120,000 2.75 sq. ft.	388,800
139	Main Stem Hoboken Terminal Yard	Jersey City Line to Bulkhead Line	3.728	120,000	447,360

FREDERICK DUNHAM.

40 30 20 10

Exhibit S3.

ERIE RAILROAD COMPANY,

Hudson County, N. J.

Appraisal by Frederick Dunham.

The parcels of first and second class railroad properties appraised by me, consist of the land in the Long Dock Terminal Yard, in Jersey City, and lands in the Township of Kearny.

The Terminal Yard has a frontage of about 1,300 feet on the Hudson River; an average depth of about 3,200 feet, and an area of 96.622 Acres.

I value this Terminal Yard as follows:

6.257	Acres of Land in Main Stem @	$120,000	$ 750,840
16.555	Acres of Land in Second Class @	$120,000	1,986,600
67.830	Acres of Land in Second Class @	$120,000	8,139,600
2.816	Acres of Land in Second Class @	$120,000	337,920
3.164	Acres of Land in Second Class @	$120,000	379,680
96.622	Acres	Total	$11,594,640

I value the Main Stem, between Grove and Henderson Streets, as follows:

0.924	Acres of Land in Main Stem @	$120,000	$110,880

All Main Stem and excess width in the Township of Kearny, I value at the average rate of $2,500.00 per acre.

FREDERICK DUNHAM.

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

Block	Lot	Description	Area in Acres	Rate		Total Value
1435	Main Stem Kearney	Entire Main Stem	3.790	$ 2,500		$ 9,475
17	Main Stem Jersey City	Henderson St. to Bulkhead Line	6.257	120,000		750,840
218	Main Stem Jersey City	Henderson St., Grove & 11th Sts.	0.924	120,000	2.75 sq. ft.	110,880
16	B-6	Terminal Tract south of Pavonia Avenue	16.555	120,000	2.75 sq. ft.	1,986,600
17	A-2	Terminal Tract north of Pavonia Avenue	67.830	120,000	2.75 sq. ft.	8,139,600
16	Pavonia Avenue Ferry	Tract under water foot of Pavonia Avenue	2.816	120,000	2.75 sq. ft.	337,920
16	Pavonia Avenue Ferry	Tract under water foot of Pavonia Avenue	3.164	120,000	2.75 sq. ft.	379,680
1435	Main Stem Kearney	Beginning, to Arlington R. R.	0.560	2,500		1,400
1435 1437 1544	Main Stem Kearney	Arlington R. R. to end at Sandford Avenue	27.740	2,500		69,350
1435	Land outside Main Stem	East from Arlington R. R.	0.745	2,500		1,862.5
1435	Land outside Main Stem	West of Arlington Railroad	0.367	2,500		917.5
1435	Land outside Main Stem	South of Main Stem. Arlington R. R. to Belleville Turnpike	3.627	2,500		9,067.5
1435	Land outside Main Stem	North of Main Stem. Arlington R. R. to Belleville Turnpike	3.328	2,500		8,320

Block	Lot	Description	Area in Acres	Rate	Total Value
1437	Land outside Main Stem	On Belleville Turnpike	1.699	2,500	4,247.5
1437	Land outside Main Stem	On Belleville Turnpike	0.688	2,500	1,720
1437	Land outside Main Stem	North of Main Stem. Belleville Turnpike to Bergen Avenue	4.803	2,500	12,007.5
1437	Land outside Main Stem	South of Main Stem. Belleville Turnpike to Bergen Avenue	4.803	2,500	12,007.5
1544	Land outside Main Stem	North of Main Stem. Bergen to Sandford Avenue	1.124	2,500	2,810
1544	Land outside Main Stem	South of Main Stem, Bergen Avenue, west	3.305	2,500	8,262.5
1435 -436	Main Stem	Hackensack River to Belleville Turnpike	15.776	2,500	39,440
1437 1438	Main Stem	Belleville Turnpike to Forrest Avenue	14.643	2,500	36,607
1436	Land outside Main Stem	North of Main Stem, Hackensack River to Belleville Turnpike	4.950	2,500	12,375
1436	Land outside Main Stem	South of Main Stem, Hackensack River to Belleville Turnpike	5.046	2,500	12,615
1438	Land outside Main Stem	Belleville Turnpike	0.537	2,500	1,342.5
1437	Land outside Main Stem	Belleville Turnpike	1.383	2,500	3,457.5
1544	Land outside Main Stem	North of Main Stem, east of Schuyler Avenue	0.489	2,500	1,222.5

FREDERICK DUNHAM.

Exhibit S4.

PENNSYLVANIA RAILROAD COMPANY,

Hudson County, New Jersey.

Appraisal by Frederick Dunham.

The parcels of First and Second Class Railroad Property appraised by me, consist of the Land in the Terminals known as the Harsimus Yard, Main Terminal Yard, and Greenville Terminal Yard, in Jersey City, and the Marine Shops in Hoboken.

The Harsimus Yard has a frontage of about 1,830 feet on the Hudson River; an average depth of about 2,500 feet, and an area of 105.517 Acres.

I value this Yard as follows:

6.682	Acres of Land in Main Stem @	$120,000	$ 801,840
98.835	Acres of Land in Second Class @	$120,000	11,860,200
105.517	Acres	Total	$12,662,040

The Main Terminal Yard has a frontage of about 1,105 feet on the Hudson River; an average depth of 1,500 feet, and an area of 37.119 Acres.

I value this yard as follows:

2.932	Acres of Land in Main Stem @	$130,000	$ 381,160
30.564	Acres of Land in Second Class @	$130,000	3,975,320
3.623	Acres of Land in Second Class @	$130,000	470,990
37.119	Acres		$4,825,470

Exhibit S4

The Greenville Terminal Yard has a frontage of about 2,000 feet on the New York Bay; an average depth of about 7,600 feet, and an area of 355.868 Acres.

I value this Yard as follows:

12.751	Acres of Land in Main Stem @	$30,000	$ 381,930
345.137	Acres of Land in Second Class	$30,000	$10,294,110
355.868	Acres		$10,676,040

The Marine Shops at Castle Point, Hoboken, has a frontage of about 550 feet on the Hudson River; an average depth of 650 feet, and an area of 8.249 Acres.

I value this tract as follows:

8.249	Acres of Land in Second Class @	$87,000	$ 717,663

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

Block	Lot	Description	Area in Acres	Rate	Total Value
1507	Main Stem	Greenville Terminal, Morris Canal to Bulkhead Line	12.731	$30,000	$ 381,930
1507	Terminal Tract	Greenville, between Morris Canal & Exterior Line for Piers	343.137	30,000	10,294,110
8	Main Stem	Main Yard from Washington St. to Bulkhead line	2.932	130,000	381,160
8	Main Terminal Tract	Washington St. to Exterior Line for Piers	30.564	130,000	3,973,320
8	P. R. R. Ferry	Foot of Exchange Place, Jersey City	3.623	130,000	470,990
15	Main Stem	Harsimus Yard, Henderson St., west to Bulkhead Line	6.682	120,000	801,840
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead Line	98.835	120,000	11,860,200
239	Hoboken Shops	Land at Castle Point on Hudson River, Shore Rd. to Exterior line for Piers	8.249	87,000	717,663

3.00 sq. ft.

3.00 sq. ft.

3.00 sq. ft.

2.75 sq. ft.

2.75 sq. ft.

2.00 sq. ft.

40 30 20 10

Exhibit S5

Exhibit S5.

LEHIGH VALLEY RAILROAD COMPANY,

Hudson County, N. J.

Appraisal by Frederick Dunham.

The parcels of First and Second Class Railroad Property appraised by me consist of the Terminal Yard on the Hudson River and Tide Water Basin; the National Storage Yard, at Black Tom, on the New York Bay; the Claremont Yard; and several parcels adjoining the Main Stem in the vicinity of those yards in Jersey City; also the Main Stem property in Jersey City and Bayonne.

The Terminal Yard on the Hudson River and the Tide Water Basin, has a frontage on the River, of about 810 foot, excluding the 150 foot Channel; a frontage on the Basin and 150 foot Channel of about 6,760 foot; and an area of 77.516 Acres; excluding the 150 foot Channel.

I value this Yard as follows:

	Morris Canal Basin.		
2.835	Acres of Land in Main Stem in between Washington St. & Hudson River @	$87,000	$ 246,645
30.534	Acres of Land in Second Class—Morris Canal Basin, excluding area of 150′ Channel @	87,000	2,656,458

10.100	Acres of Land in Second Class, on Tide Water Basin @	65,000	656,500
25.673	Acres of Land in Second Class on Tide Water Basin @	65,000	1,668,745
2.433	Acres of Land in Main Stem, on Tide Water Basin @	65,000	158,145
5.941	Acres of Land in Main Stem, on Tide Water Basin @	65,000	386,165
77.516	Acres	Total	$5,772,650

The Terminal Yard at Black Tom has a frontage of 835 feet on the New York Bay, a Channel 200 feet wide running the entire depth of the property a distance of 4,600 feet, and an area of 88.365 Acres.

I value this Yard as follows:

88.365	Acres of Land in Second Class at	30,000	$2,650,920

FREDERICK DUNHAM.

The Claremont Yard is Located in Jersey City, at the rear of the National Storage Yard, and adjoins the Eagle Works property of the Standard Oil Company, and contains 42.831 Acres.

I value this Yard as follows:

42.831	Acres of Land in Second Class @	15,000	$642,465

Exhibit S5

The several parcels of Second Class Land outside of Terminal Yards, adjoining the Main Stem in Jersey City, I value as follows:

7.335	Acres—Chapel Avenue to Canal @	15,000	110,025
0.280	Acres — Claremont Yard @	15,000	4,200
0.850	Acres — South of Caven Point Road @	15,000	12,750
0.790	Acres—Caven Point Road to N. & N. Y. R. R. Br. @	15,000	11,850
3.497	Acres—Natn'l Docks Br. to Jersey Avenue @	30,000	104,910
13.650	Acres—Morris Canal to Jersey Ave. @	30,000	409,500
3.035	Acres—Communipaw Ave. to National Storage Co., @	15,000	45,525

In Bayonne.

0.303	Acres—Excess width Natn'l Docks Br. @	15,000	4,545

The entire Main Stem Lands, except in Terminal Yards in Jersey City and Bayonne, I have valued at the average rate of $30,000.00 per Acre, Except Milk Station adjoining Canal between Van Vorst and Warren Streets, Jersey City, which I value as follows:

0.518	Acres @	65,000	$33,670

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

Block	Lot	Description	Area in Acres	Rate	Total Value
1383	1 Main Stem	Merritt Street to Morris Canal, Jersey City	1.476	$30,000	$ 44,280
1390	1 Main Stem	Ave. C to Garfield Ave., Jersey City	1.602	30,000	48,060
1510	8-B B-1 Main Stem	Brown Place to Linden Avenue, Jersey City	2.911	30,000	87,330
1506	A Main Stem	Linden Avenue to Chapel Avenue, Jersey City	4.444	30,000	133,320
1492	Main Stem	Chapel Ave., north, Jersey City	4.084	30,000	122,520
1492	4 Main Stem	South of Claremont Yard, Jersey City	1.453	30,000	43,590
1491	1-A Main Stem	Caven Point Rd. south, Jersey City	3.130	30,000	93,900
2020	3 7 Main Stem	Caven Point Rd. to Central R. R. "Y," Jersey City	5.769	30,000	173,070
2023	5 6 Main Stem	C. R. R. "Y" to Newark & N. Y. Branch, C. R. P., Jersey City	0.826	30,000	24,780
2047	25 Main Stem	Communipaw Ave. to Newark & N. Y. Branch, C. R. R., Jersey City	0.971	30,000	29,130
2048	A-1 Main Stem	Communipaw Ave. to Johnston Ave., Jersey City	3.352	30,000	100,560

10 20 30 40

Block	Lot	Description	Area in Acres	Rate		Total Value
2145	Main Stem	Johnston Ave. to Jersey Ave., Jersey City	1.607	30,000		48,210
2145	42 Main Stem	160' west of Van Vorst St. to Vorst St., Jersey City	5.941	65,000	1.50 sq. ft.	386,165
2145	42 Main Stem	160'west of Van Vorst St. to Wash. St., Jersey City	2.433	65,000	1.50 sq. ft.	158,145
2145	Main Stem	Wash. St. to Bulkhead Line, Jersey City	2.835	87,000	2.00 sq. ft.	246,645
2145	41-C Main Stem	Lehigh Valley Main Line to C L Mill Creek, Jersey City	4.362	30,000		130,860
60	30 Main Stem	Van Vorst St. to Warren St., Jersey City	0.518	65,000	1.50 sq. ft.	33,670
2114½	C	Montgomery St. to Grand St.,	3.753	30,000		112,590
2115	B	Jersey City				
2139	I Main Stem					
2143	D Main Stem	Grand Street to Pacific Avenue, Jersey City	1.264	30,000		37,920
2144	Main Stem	Pacific Avenue at Morris Canal, Jersey City	0.019	30,000		570
2095½	A Main Stem	Morris Canal to Johnston Avenue, Jersey City	3.826	30,000		114,780
2048	B-1	Johnston Avenue & Main Line, Jersey City	0.087	30,000		2,610
2048	C Main Stem	South of Johnston Avenue, Jersey City	0.766	30,000		22,980
2048	M	Communipaw Ave., & Wilson Ave.,	0.619	30,000		18,750

Block	Lot	Description	Area in Acres	Rate	Total Value
2154	Part 11 Main Stem	Communipaw Ave. to Philip Street, Jersey City	6.905	30,000	207,150
2154	Part 11 Main Stem	Philip St. to Caven Point Rd., Jersey City	1.164	30,000	34,920
1492	6 Main Stem	Caven Point Rd. to Chapel Avenue, Jersey City	11.209	30,000	336,270
1057	Part 7 Main Stem	Linden Ave. to Morris Canal, City	4.506	30,000	135,180
1057	Part 7 Main Stem	Linden Ave. to Morris Canel, Jersey City	1.302	30,000	39,060
1510	12 Main Stem	At Morris Canal, Jersey City	0.503	30,000	15,090
1510	11 Main Stem	At Brown Place, Jersey City	0.195	30,000	5,850
2154	13 Main Stem	National Docks Branch to Natl. Storage Fence, Jersey City	4.401	30,000	132,030
1494	Part M Main Stem	Part "Y" at Caven Point Rd., Jersey City	0.905	30,000	27,150
1494	Part M Main Stem	Part "Y" at Caven Point, Jersey City	2.559	30,000	76,770
1492	3-B	Land outside Main Stem, Chapel Ave. north to Canal, Jersey City	7.335	15,000	110,025
1492	4-C	Land outside Main Stem at Claremont Yard, Jersey City	0.280	15,000	4,200
1491	Part 1-A	Land outside Main Stem south of Caven Point Rd., Jersey City	0.850	15,000	12,750
2020	3-A	Land outside Main Stem, Caven	0.790	15,000	11,850
2033	5-A 7-A	Point Rd. to Newark & N. Y. Branch C. R. R., Jersey City			

10 20 30 40

Block	Lot	Description	Area in Acres		Rate		Total Value
2145	45-A	Land outside Main Stem, Natl. Docks Branch, to Jersey Avenue, Jersey City	3.497		30,000		104,910
2145	41-B	Land outside Main Stem, Morris Canal, to Jersey Ave., Jersey City	13.650		30,000		409,500
2145	45-C	Land outside Main Stem, north & south from 160′ west of Van Vorst St., extended to center line Jersey Ave., extended, J. C.	25.673		65,000	1.50 sq. ft.	1,668,745
2145	45-C	Land outside Main Stem, north & south of Main Stem from center line Washington St., extended, to 160′ west of Van Vorst St., extended, Jersey City	10.100		65,000	1.50 sq. ft.	656,500
2145	38-A 45-A	Terminal Tract, Hudson River Jersey City	38.380 30.534	Excluding Channel	87,000	2.00 sq. ft.	2,656,458
1500	1B—3B 2A—B—C 2D—E 4-B	Claremont Yard at Caven Point	42.831		15,000		642,465
1492 2154	4-A 14-23	Land outside Main Stem between Communipaw Ave. & Natl. Storage Co.	3.035		15,000		45,525

Block	Lot	Description	Area in Acres	Rate	Total Value
1497	3	Land outside Main Stem, Natl. Storage Co. from Caven Point Rd. to exterior line for piers, J. C.	88.365	30,000	2,650,950
7	Main Stem	Newark Bay to Hudson County Blvd., Bayonne	1.056	30,000	31,680
8	Main Stem	Hudson County Blvd. to Ave. B, Bayonne	1.070	30,000	32,100
	Main Stem	Jersey City line to C. L. Packard ditch, Bayonne	16.414	30,000	492,420
B & C	Main Stem	C. L. Packard ditch to Orford Copper Co., Bayonne	12.999	30,000	389,970
C	Main Stem	Orford Copper Co. to and at Bergenport Chem. Co., Bayonne	1.106	30,000	33,180
O-1	Main Stem	From Main Line Lehigh Valley near Hudson Co. Blvd. to Jersey City line at Morris Canal, Bay.	1.230	30,000	36,900
		Land outside Main Stem, excess width Natl. Docks, Branch in Bay	0.303	15,000	4,545

FREDERICK DUNHAM.

40 30 20 10

Exhibit S6.

CENTRAL RAILROAD COMPANY OF NEW JERSEY,

Hudson County, N. J.

Appraisal by Frederick Dunham.

The parcels of First and Second Class Railroad Property appraised by me consist of the Terminal Yard on the Hudson River and New York Bay, in Jersey City; the Port Johnson Yard on the Kill Von Kull in Bayonne, and the Main Stem in Jersey City and Bayonne.

The Main Terminal Yard on the Hudson River has a frontage of about 2,500 feet; a depth of about 5,500 feet, and a total area of 162.160 Acres.

I value this Yard as follows:

5.464	Acres of Land in Main Stem @	$65,000	$ 355,160
6.302	Acres of Land in Main Stem @	$65,000	409,630
97.063	Acres of Land in Second Class @	$65,000	6,309,095
28.718	Acres of Land in Second Class @	$65,000	1,866,670
24.613	Acres of Land in Second Class @	$65,000	1,599,845
162.160	Acres	Total	$10,540,400

The Four parcels in the Yard fronting on the New York Bay and Phillips Street, I value as follows:

71.300	Acres of Land in Second Class @	$50,000	$3,565,000

84.724	Acres of Land in Second Class @	$40,000	3,388,960
5.610	Acres of Land in Second Class @	$40,000	224,400
96.049	Acres of Land in Second Class @	$35,000	3,361,715

The three parcels adjoining the rear of the yard at Jersey Avenue and Phillips Street, I value as follows:

3.120	Acres of Land in Second Class @	$30,000	$ 93,600
19.611	Acres of Land in Second Class @	$30,000	588,330
3.352	Acres of Land in Second Class @	$30,000	100,560

The part of the Port Johnson Yard in Bayonne, under review, has a frontage of about 450 feet on the Kill Von Kull; a width of about 550 feet in the rear, and a depth of 2,000 feet from the Pierhead Line, and an area of 23.370 Acres.

I value this Yard as follows:

4.028	Acres of Land in Main Stem @	$30,000	120,840
19.342	Acres of Land in Second Class @	$30,000	580,260
	Total		$701,100

23.370 Acres

The entire Main Stem in Jersey City and Bayonne, except in the Terminal Yards, I value at the average rate of $30,000 per Acre.

CENTRAL RAILROAD OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to Bulkhead Line, Jersey City	5.464	$65,000	$ 355,160
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to center line of Jersey Avenue, extended	6.302	65,000	400,630
	Main Stem	Bayonne-Jersey City line to center line of Center Street, Bay.	3.624	30,000	108,720
	Main Stem	Center line of Center St. to center line of E. 32nd St., Bay.	8.898	30,000	266,940
	Main Stem	Center line of E. 32nd St. to center line of E. 30th St., Bay.	1.898	30,000	56,940
	Main Stem	Center line of E. 30th St. to E. 22nd St., Bay.	5.841	30,000	175,230
	Main Stem	21st St. to Linnett St., Bayonne	7.514	30,000	225,420
	Main Stem	Linnett St. to Ave. D, Bayonne	0.851	30,000	25,530
	Main Stem	Ave. C to center line Hudson Blvd., Bayonne	2.495	30,000	74,850
	Main Stem	Beginning, to Highway, Bayonne	7.504	30,000	225,120
	Main Stem	Highway to end of line, Bayonne	4.359	30,000	130,770
	Main Stem	2,000′ back to 2nd St., Bayonne	4.028	30,000	120,840
2145	Terminal	160′ west of Van Vorst St. to Pierhead Line, Jersey City	97.065	65,000	6,309,095

Exhibit S6

1796

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	48-D	Philip Street to Pierhead Line, New York Bay, Jersey City	71.300	50,000	3,565,000
2154	22-G	Philip St. Branch to Pierhead Line, New York Bay, Jersey City, N. J.	84.724	40,000	3,388,960
2154	Part	Philip St. to Pierhead Line, New York Bay, Jersey City	96.049	35,000	3,361,715
2145	Land outside Main Stem	South of Main Stem 160′ west of Van Vorst St. to Jersey Avenue, Jersey City	28.718	65,000	1,866,670
2145	Land outside Main Stem	North of Main Stem 160′ west on Van Vorst St. to Jersey Avenue, Jersey City	24.613	65,000	1,599,845
2048	H	Center line Jersey Ave. extended to National Docks Branch, Lehigh Valley R. R., J. C.	3.120	30,000	93,600
2148	S	Communipaw Ave. & Philip St., Jersey City	19.611	30,000	588,330
2154	22-D	S. E. of Philip St., foot of Communipaw Ave., Jersey City	5.610	40,000	224,440
2145	25-A	Jersey Ave. if extended south of Morris Canal	3.352	30,000	100,560
2145	Port Johnson	2,000′back of Pierhead line to Pierhead line, Kill von Kull, Bayonne	19.342	30,000	580,260

40 30 20 10

Exhibit S7.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
THOS. P. GRAHAM

Block	Lot	Description	Area in Acres	Rate	Total Value
2176	West Shore Ferry, Weehawken	N. J. Junction Main Stem to Pierhead Line	20.795	$75,000 p. ac.	$1,559,625
2176	Terminal Yard Weehawken	North of Ferry Main Stem to Pierhead Line	59.720	75,000 p. ac.	4,479,000
2178	Terminal Yard, West New York	From Weehawken line to N. Y. O. & W. Coal Pier property	114.281	75,000 p. ac.	8,871,075
2178	Land outside Main Stem	West of N. Y. & Fort Lee R. R. Main Stem and north of Weehawken Line	9.740	75,000 p. ac.	730,500
2176	Main Stem	From Bulkhead line at West Shore Ferry, running through Terminal Yard and north 1,040'	8.371	75,000 p. ac.	637,825
2178	Main Stem	From Weehawken Line running north	2.755	75,000 p. ac.	216,625
2178 2247	Main Stem	Weehawken Line north to N. Y. O. & W. Railroad property	9.970	75,000 p. ac.	747,750

THOS. P. GRAHAM.
Feb. 27/22.

Exhibit S8.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
THOS. P. GRAHAM

Block	Lot	Description	Area in Acres	Rate	Total Value
19	Jersey City Terminal	Henderson St. to Pierhead Line	131.840	$115,000 p. ac.	$1,516,160
139	Hoboken Terminal	Henderson St. to Pierhead Line	40.068	115,000 p. ac.	4,607,820
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	115,000 p. ac.	1,186,225
260	Manor Property	Foot 11th St., Hoboken	7.621	80,000 p. ac.	609,680
240	X	Hudson St. between 11th St. & 12th St., Hoboken	16.136	87,000 p. ac.	1,403,832
261	Ocean S. S. Company Property				
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	110,000 p. ac.	167,750

THOS. P. GRAHAM.
Feb. 27/22.

40 30 20 10

Exhibit S9.

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
THOS. P. GRAHAM

Block	Lot	Description	Area in Acres	Rate	Total Value
1435	Main Stem Kearney	Entire Main Stem	3.790		
17	Main Stem Jersey City	Henderson St. to Bulkhead Line	6.257	$110,000	$688,270
218	Main Stem Jersey City	Henderson St., Grove & 11th Streets	0.924		
16	B-6	Terminal Tract south of Pavonia Avenue	16.555	110,000 p. ac.	1,821,050
17	A-2	Terminal Tract north of Pavonia Avenue	67.830	110,000 p. ac.	7,461,300
16	Pavonia Ave. Ferry	Tract under water foot of Pavonia Avenue	2.816	110,000 p. ac.	309,760
16	Pavonia Ave. Ferry	Tract under water foot of Pavonia Avenue	3.164	110,000 p. ac.	348,040

THOS. P. GRAHAM.
Feb. 27/22.

Exhibit S10.

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
THOS. P. GRAHAM

Block	Lot	Description	Area in Acres	Rate	Total Value
1507	Main Stem	Greenville Terminal, Morris Canal to Bulkhead Line	12.731	$25,000 p. ac.	$ 318,275
1507	Terminal Tract	Greenville, between Morris Canal & Exterior line for Piers	343.137	25,000 p. ac.	8,578,425
8	Main Stem	Main Yard from Washington St. to Bulkhead Line	2.932	120,000 p. ac.	351,840
8	Main Terminal Tract	Washington St. to Exterior line for Piers	30.564	120,000 p. ac.	3,667,680
8	P. R. R. Ferry	Foot of Exchange Place, Jersey City	3.623	120,000 p. ac.	434,760
15	Main Stem	Harsimus Yard, Henderson St., to west of Bulkhead line	6.682	110,000 p. ac.	735,020
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead Line	98.835	110,000 p. ac.	10,871,850
239	Hoboken Shops	Land at Castle Point on Hudson River, Shore Rd. to Exterior Line for Piers	8.249	75,000 p. ac.	618,675

THOS. P. GRAHAM.
Feb. 27/22.

40 30 20 10

Exhibit S11.

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
THOS. P. GRAHAM

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	43	Jersey Ave. to 160′ west of Van	5.941	$65,000 p. ac.	$ 386,165
	Main Stem	Vorst St., Jersey City			
2145	42	160′ west of Van Vorst St. to	2.443	65,000 p. ac.	158,795
	Main Stem	Wash. St., Jersey City			
2145	Main Stem	Wash. St. to Bulkhead Line, Jersey City	2.835	87,000 p. ac.	246,645
2145	45-C	Land outside M. S. north & south from 160′ west of Van Vorst St., extended to center line Jersey Ave. extended, Jersey City	25.673	65,000 p. ac.	1,668,745
2145	45-C	Land outside M. S. north & south of Main Stem from center line Wash. St. extended to 160′ west of Van Vorst St. extended, J. C.	10.100	65,000 p. ac.	656,500
2145	38-A	Terminal Tract, Hudson River,	30.534	87,000 p. ac.	2,656,458
	45-A	Jersey City (excluding channel)			
1497	3	Land outside M. S. Natl. Storage Co. from Caven Pt. Rd. to exterior line for piers, J. C.	88.365	30,000 p. ac.	2,650,950

THOS. P. GRAHAM.
Feb. 27/22.

Exhibit S12.

CENTRAL RAILROAD COMPANY OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
THOS. P. GRAHAM

Block	Lot	Description	Area in Acres	Rate	Total Value
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to Bulkhead Line, Jersey City	5.464	$65,000 p. ac.	$ 355,160
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to center line of Jersey Ave. extended, J. C.	6.302	65,000 p. ac.	409,630
2145	Terminal Tract	160′ west of Van Vorst St. to Pierhead Line, Jersey City	97.063	65,000 p. ac.	6,309,095
2145	48-D	Philip St. to Pierhead Line, N. Y. Bay, Jersey City	71.300	43,500 p. ac.	3,208,500
2154	22-G	Philip St. Branch to Pierhead Line, New York Bay, Jersey City	84.724	35,000 p. ac.	2,965,340
2154	Part 22-J	Phillips St. 21 Pierhead Line, New York Bay, Jersey City	96.049	35,000 p. ac.	3,361,715
2145	Land outside Main Stem	South of Main Stem 160′ west of Van Vorst St. to Jersey Ave., Jersey City	28.718	65,000 p. ac.	1,866,670
2145	Land outside Main Stem	North of Main Stem 160′ west of Van Vorst St. to Jersey Ave., Jersey City	24.613	65,000 p. ac.	1,599,845
2145	Port Johnston	2.000′ back of Pierhead Line to Pierhead Line, Kill von Kull, Bayonne	19.342	30,000 p. ac.	580,260

THOS. P. GRAHAM.
Feb. 27/22.

40 30 20 10

40 30 20 10

Exhibit S13.

NEW YORK CENTRAL RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES SINGER, JR.

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2176	West Shore Ferry Weehawken	N. J. Junction Main Stem to Pierhead Line	20.795	$1.75	$76,230	$1,584,702
2176	Terminal Yard Weehawken	North of Ferry Main Stem to Pierhead Line	59.720	$1.75	$76,230	$4,552,455
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.370	$ .35	$15,246	$ 5,641
2176	Land outside Main Stem	West of N. J. Junction Main Stem at "Y"	0.155	$1.75	$76,230	$ 11,815
2176	Land outside Main Stem	West of N. J. Junction Main Stem "Y" to West New York Line	1.258	$1.75	$76,230	$ 95,897
2176	Land outside Main Stem	3 Parcels West of N. J. Jct. Main Stem at "Y" & north to West New York Line	3.322 .358	$ .35 $1.75	$15,246 $76,230	$ 50,647 $ 27,290
2178 2247	Terminal Yard, West New York	From Weehawken line to N. Y. O. & W. Coal Pier property	114.281	$1.75	$76,230	$8,711,640
2178	Land outside Main Stem	West of N. Y. & Fort Lee R. R. Main Stem and north of Weehawken Line	9.740	$1.75	$76,230	$ 742,480

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad Property	2.224	$1.75	$76,230	$ 169,535
2247	Land outside Main Stem	South of N. Y. O. & W. Railroad Property	2.159	$1.75	$76,230	$ 164,580
2176	Main Stem	From Bulkhead line at West Shore Ferry, running through Terminal Yard & north 1,040'	8.371	$1.75	$76,230	$ 638,121
2178	Main Stem	From Weehawken line running north	2.755	$1.75	$76,230	$ 210,013
2173	Main Stem	From Clifton Road running south	2.502	$1.75	$76,230	$ 190,727
2178 2247	Main Stem	Weehawken Line north to N. Y. O. & W. Railroad property	9.970	$1.75	$76,230	$ 760,013
2163 2173 2176	Main Stem	From Park Ave., Weehawken, to West New York Line	16.931	$1.75	$76,230	$1,290,650
2247	Main Stem	Back of American Cotton Oil Co. property, Guttenberg, West New York line, south	0.243	$1.50	$65,340	$ 15,877
2257	Main Stem	Back of American Cotton Oil Co. property, Guttenberg	0.670	$1.50	$65,340	$ 43,777
2259 2264 2263	Main Stem	Guttenberg line to Bergen Co. line	5.200	$1.50	$65,340	$ 339,768

CHARLES SINGER, Jr.

40 30 20 10

Exhibit S14.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES SINGER, Jr.

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
19	Jersey City Terminal	Henderson St. to Pierhead Line	131.840	$2.50	$108,900	$14,357,376
139	Hoboken Terminal	Henderson St. to Pierhead Line	40.068	$2.50	$108,900	$ 4,363,405
230	Hoboken Lower Ferry	Foot Hudson Place to Pierhead Line	10.315	$2.50	$108,900	$ 1,123,303
	Manor Property	Foot 11th St., Hoboken	7.621	$2.00	$ 87,120	$ 663,941
240	X	Hudson St. between 11th St. &	16.136	$2.00	$ 87,120	$ 1,405,768
261	Ocean S. S. Company Property	12th St., Hoboken				
263	Upper Ferry Basin	South side Upper Ferry, Hoboken	1.525	$3.00	$130,680	$ 196,346
19	Main Stem	Henderson to Hoboken Line	3.240	$2.50	$108,900	$ 352,836
139	Main Stem Hoboken Terminal Yard	Jersey City Line to Bulkhead "Q"	3.728	$2.50	$108,900	$ 405,979

CHARLES SINGER, Jr.

Exhibit S15.

ERIE RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES SINGER, Jr.

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
1435	Main Stem Kearney	Entire Main Stem	3.970			
17	Main Stem Jersey City	Henderson St. to Bulkhead Line	6.257	$2.50	$108,900	$ 681,387
218	Main Stem Jersey City	Henderson St., Grove & 11th Streets	0.924			
16	B-6	Terminal Tract south of Pavonia Avenue	16.555	$2.50	$108,900	$ 1,802,839
17	A-2	Terminal Tract north of Pavonia Avenue	67.830	$2.50	$108,900	$ 7,386,687
16	Pavonia Avenue Ferry	Tract under water foot of Pavonia Ave.	2.816	$2.50	$108,900	$ 306,662
16	Pavonia Avenue Ferry	Tract under water foot of Pavonia Ave.	3.164	$2.50	$108,900	$ 344,559
1435	Main Stem Kearney	Beginning to Arlington R. R.	0.560			
1435 1437 1544	Main Stem Kearney	Arlington R. R. to end at Sandford Avenue	27.740			
1435	Land outside Main Stem	East from Arlington R. R.	0.745			
1435	Land outside Main Stem	West of Arlington R. R.	0.367			

40 30 20 10

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
1435	Land outside Main Stem	South of Main Stem, Arlington R. R. to Belleville Turnpike	3.627			
1435	Land outside Main Stem	North of Main Stem, Arlington R. R. to Belleville Turnpike	3.328			
1437	Land outside Main Stem	On Belleville Turnpike	1.699			
1437	Land outside Main Stem	On Belleville Turnpike	0.688			
1437	Land outside Main Stem	North of Main Stem, Belleville Turnpike to Bergen Avenue	4.803			
1437	Land outside Main Stem	South of Main Stem, Belleville Turnpike to Bergen Avenue	4.803			
1544	Land outside Main Stem	North of Main Stem, Bergen to Sandford Avenue	1.124			
1544	Land outside Main Stem	South of Main Stem, Bergen Ave. west	3.305			
1435 1436 1437 1438	Main Stem	Hackensack River to Belleville Turnpike Belleville Turnpike to Forrest Avenue	15.776 14.643			
1436	Land outside Main Stem	North of Main Stem, Hackensack River to Belleville Turnpike	4.950			
1436	Land outside Main Stem	South of Main Stem, Hackensack River to Belleville Turnpike	5.046			
1438	Land outside Main Stem	Belleville Turnpike	0.537			
1437	Land outside Main Stem	Belleville Turnpike	1.383			
1544	Land outside Main Stem	North of Main Stem east of Schuyler Avenue	0.489			

CHARLES SINGER, Jr.

Exhibit S16.

PENNSYLVANIA RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES SINGER, Jr.

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
1507	Main Stem	Greenville Terminal, Morris Canal to Bulkhead Line	12.731	$ .70	$ 30,492	$ 388,193
1507	Terminal Tract	Greenville, between Morris Canal & Exterior line for piers	343.137	$ .70	$ 30,492	$10,462,933
8	Main Stem	Main Yard from Washington St. to Bulkhead Line	2.932	$2.75	$119,790	$ 351,224
8	Main Terminal Tract	Washington St. to Exterior line for Piers	30.564	$2.75	$119,790	$ 3,661,261
8	P. R. R. Ferry	Foot of Exchange Place, Jersey City	3.623	$2.75	$119,790	$ 433,999
15	Main Stem	Harsimus Yard, Henderson St., to west of Bulkhead line	6.682	$2.50	$108,900	$ 727,669
15	Terminal Tract	Harsimus Yard, Henderson St., to Pierhead Line	98.835	$2.50	$108,900	$10,763,131
239	Hoboken Shops	Land at Castle Point on Hudson River, Shore Rd. to Exterior Line for Piers	8.249	$2.00	$ 87,120	$ 718,652

CHARLES SINGER, Jr.

40 30 20 10

Exhibit S17.

LEHIGH VALLEY RAILROAD COMPANY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY
By CHARLES SINGER, Jr.

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
1383	1 Main Stem	Merritt Street to Morris Canal, Jersey City	1.476			
1390	1 Main Stem	Ave. C. to Garfield Avenue, Jersey City	1.602			
1510	8-B B-1 Main Stem	Brown Place to Linden Avenue, Jersey City	2.911			
1506	A Main Stem	Linden Avenue to Chapel Avenue, Jersey City	4.444			
1492	Main Stem	Chapel Avenue north, Jersey City	4.084			
1492	4 Main Stem	South of Claremont Yard, Jersey City	1.453			
1492	1-A Main Stem	Caven Point Rd. south, Jersey City	3.130			
2020	3 7 Main Stem	Caven Point Rd. to Central R. R. "Y," Jersey City	5.769			
2033	5 6 Main Stem	C. R. R. "Y" to Newark & N. Y. Branch, C. R. R., Jersey City	0.826			
2047	25 Main Stem	Communipaw Ave. to Newark & N. Y. Branch, C. R. R., Jersey City	0.971			

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2048	A-1 Main Stem	Communipaw Ave. to Johnston Ave., Jersey City	3.352			
2145	Main Stem	Johnston Ave. to Jersey Avenue Jersey City	1.607			
2145	43 Main Stem	Jersey Ave. to 160′ west of Van Vorst St., Jersey City	5.941	$1.50	$65,340	$ 388,184
2145	42 Main Stem	160′ west of Van Vorst St. to Wash. St., Jersey City	2.433	$1.50	$65,340	$ 158,972
2145	Main Stem	Wash. St. to Bulkhead Line, Jersey City	2.835	$2.00	$87,120	$ 246,985
2145	41-C Main Stem	Lehigh Valley Main Line to C. L. Mill Creek, Jersey City	4.362			
60	30 Main Stem	Van Vorst St. to Warren St., Jersey City	.518			
2114½	C	Montgomery St. to Grand St.,	3.753			
2115	B	Jersey City				
2139	1 Main Stem					
2143	D Main Stem	Grand Street to Pacific Avenue, Jersey City	1.264			
2144	Main Stem	Pacific Ave. at Morris Canal, Jersey City	0.019			
2095½	A Main Stem	Morris Canal to Johnston Avenue, Jersey City	3.826			
2048	B-1 Main Stem	Johnston Ave. & Main Line, Jersey City	0.087			
2048	C Main Stem	South of Johnston Ave., Jersey City	0.766			

40 30 20 10

Exhibit S17

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2048	M Main Stem	Communipaw and Wilson Aves., Jersey City	0.619			
2154	Part 11 Main Stem	Communipaw Ave. to Philip St., Jersey City	6.905			
2154	Part 11 Main Stem	Philip St. to Caven Pt. Rd., Jersey City	1.164			
1492	6 Main Stem	Caven Point Rd. to Chapel Avenue, Jersey City	11.209			
1507	Part 7 Main Stem	Chapel Ave. to Linden Avenue, Jersey City	4.506			
1507	Part 7 Main Stem	Linden Ave. to Morris Canal, Jersey City	1.302			
1510	12 Main Stem	At Morris Canal, Jersey City	0.503			
1510	11 Main Stem	At Brown Place, Jersey City	0.195			
2154	13 Main Stem	National Docks Branch to Natnl. Storage Fence, Jersey City	4.401			
1494	Part M Main Stem	Part "Y" at Caven Point Rd., Jersey City	0.905			
1494	Part M Main Stem	Part "Y" at Caven Point Rd., Jersey City	2.559			
1492	3-B	Land outside Main Stem, Chapel Ave. north to Canal, Jersey City	7.335			
1492	4-C	Land outside Main Stem at Claremont Yard, J. C.	0.280			
1491	Part 1-A	Land outside M. S. south of Caven Point Rd., J. C.	0.850			

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2020	3-A	Land outside M. S. Caven Point	0.790			
2033	5-A	Rd. to Newark & N. Y. Branch				
	7-A	C. R. R., Jersey City				
2145	45-A	Land outside M. S. National Docks Branch to Jersey Avenue, J. C.	3.497			
2145	41-B	Land outside M. S. Morris Canal to Jersey Ave., J. C.	13.650			
2145	45-C	Land outside M. S. north & south from 160′ west of Van Vorst St., extended to center line Jersey Ave. extended, J. C.	25.673	$1.50	$65,340	$1,677,473
2145	45-C	Land outside M. S. north & south of Main Stem from center line Washington St. extended to 160′ west of Van Vorst St. extended, J. C.	10.100	$1.50	$65,340	$ 659,934
2145	38-A	Terminal Tract, Hudson River,	30.534	$2.00	$87,120	$2,660,122
	45-A	Jersey City				
1500	1-B—3-B	Claremont Yard at Caven Point	42.831			
	2-A—B—C					
	2-D—E					
	4-B					
1492	4-A					
2154	14-23	Land outside M. S. between Communipaw Ave. & Natnl. Storage Co.	3.035			

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
1497	3	Land outside M. S. Natl. Storage Co. from Caven Pt. Rd. to exterior line for piers, J. C.	88.365	$ .70	$30,500	$2,695,132
7	Main Stem	Newark Bay to Hudson County Blvd., Bayonne	1.056			
8	Main Stem	Hudson County Blvd. to Ave B, Bayonne	1.070			
	Main Stem	Jersey City line to C. L. Packard ditch, Bayonne	16.414			
B & C	Main Stem	C. L. Packard ditch to Orford Copper Co., Bayonne	12.999			
C	Main Stem	Orford Copper Co. to and at Bergenport Chem. Co., Bayonne	1.106			
O-1-3-5	Main Stem	From Main Line Lehigh Valley near Hudson Co. Blvd. to J. C. line at Morris Canal, Bayonne	1.230			
		Land outside M. S. excess width Natnl. Docks Branch in Bayonne	0.303			

Exhibit S18.

CENTRAL RAILROAD COMPANY OF NEW JERSEY

APPRAISALS OF CERTAIN PARCELS OF FIRST AND SECOND CLASS RAILROAD PROPERTY

By CHARLES SINGER, JR.

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to Bulkhead Line, Jersey City	5.464	$1.75	$76,230	$ 416,520
2145	Main Stem	Terminal Tract 160′ west of Van Vorst St. to center line, Jersey Ave. extended	6.302	$1.75	$76,230	$ 480,401
	Main Stem	Bayonne-Jersey City line to exterior line of Center St., Bayonne	3.624			
	Main Stem	Center Line of Center St. to center line of E. 32nd St., Bayonne	8.898			
	Main Stem	Center line of E. 32nd St. to center line of E. 30th St., Bayonne	1.898			
	Main Stem	Center line of E. 30th St. to E. 22nd St., Bayonne	5.841			
	Main Stem	21st St. to Linnett St., Bayonne	7.514			
	Main Stem	Linnett St. to Ave D, Bayonne	0.851			
	Main Stem	Ave. C to center line Hudson Blvd., Bayonne	2.495			
	Main Stem	Beginning to Highway, Bayonne	7.504			
	Main Stem	Highway to end of line, Bayonne	4.359			
	Main Stem	2,000′ back to 2nd, Bayonne	4.028	$ .70	$30,500	$ 122,854

40 30 20 10

Exhibit S18

Block	Lot	Description	Area in Acres	Rate Per Sq. Foot	Rate Per Acre	Total Value
2145	Terminal Tract	160′ west of Van Vorst St. to Pierhead Line, Jersey City	97.063	$1.75	$76,230	$7,399,112
2145	48-D	Philip Street to Pierhead Line, New York Bay, Jersey City	71.300	$1.25	$54,450	$3,882,285
2154	22-G	Philip St. Branch to Pierhead Line, New York Bay, Jersey City	84.724	$1.00	$43,560	$3,690,577
2154	Part 22-J	Philip St. 21 Pierhead Line, New York Bay, Jersey City	96.049	$1.00	$43,560	$4,183,894
2145	Land outside Main Stem	South of Main Stem 160′ west of Van Vorst St. to Jersey Avenue, Jersey City	28.718	$1.75	$76,230	$2,189,173
2145	Land outside Main Stem	North of Main Stem 160′ west of Van Vorst St. to Jersey Avenue, Jersey City	24.613	$1.75	$76,230	$1,876,248
2148	H	Center line Jersey Ave. extended to National Docks Branch, Lehigh Valley, J. C.	3.120			
2148	S	Communipaw Ave. & Philip St., Jersey City	19.611			
2154	22-D	S. E. Philip St. foot of Communipaw Ave., Jersey City	5.610			
2145	25-A 25-D	Jersey Ave., if extended, south of Morris Canal	3.352			
2145	Port Johnston	2.000′ back of Pierhead Line to Pierhead Line, Kill von Kull, Bayonne	19.342	$ .70	$30,500	$ 589,931

CHARLES SINGER, Jr.

New Jersey Court of Errors and Appeals

United New Jersey Railroad and Canal Company and other companies of Pennsylvania Railroad System, Central Railroad Company of New Jersey, Long Dock Company, Lehigh Valley Railroad Company of New Jersey, Delaware, Lackawanna & Western Railroad Company and other associated companies, *Prosecutors-Respondents,* *vs.* State Board of Taxes and Assessment, Newton A. K. Bugbee, Comptroller of the Treasury, and The Mayor and Aldermen of Jersey City, *Defendants-Appellants.*	*On Appeals from Supreme Court.*

BRIEF FOR PROSECUTORS-RESPONDENTS.

Statement of the Case.

The Supreme Court reviewed on several writs of certiorari prosecuted by respondents, the assessments of taxes for the year 1922 on ninety-eight parcels of land owned by respondents and located in Hudson County. Fifty-three of the parcels belong to the Lehigh Valley System, seven to the Pennsylvania System, twenty-three to the Central of New Jersey System, eight to the Lackawanna System and seven to the Erie System.

The court affirmed the assessments on seventy-five of the parcels, of which fifty-one belong to the Lehigh Valley System, one to the Pennsylvania System, seventeen to

the Central of New Jersey System, three to the Lackawanna System and three to the Erie System.

The assessments on the remaining twenty-three parcels were reduced by the court, two of them belonging to the Lehigh Valley System, six to the Pennsylvania System, six to the Central of New Jersey System, five to the Lackawanna System and four to the Erie System.

Defendants below have appealed from that part of the judgment in each case which reduced the assessments. Prosecutors below have not appealed from the affirmances, the decision of the Supreme Court being one of fact not reviewable in this court.

The lands assessed are parts of the railroad terminals on the westerly shore of the Hudson River and New York Bay. Being used for railroad purposes, they are assessed for taxes by the State Board of Taxes and Assessment under the general railroad tax act of 1888 (Comp. Stat., p. 5260).

The assessed valuations of the ninety-eight parcels for the year 1922 were increased by the State Board to the extent of *$22,844,059* over the assessed valuations for the preceding year. Respondents complained to the State Board against them pursuant to the general railroad tax act on the ground that they were excessive and unlawful, but obtained no relief, the assessed valuations being affirmed by three members of the Board, a bare majority, against the vote of the other two members. The majority and minority valuations were tabulated and returned with the writs (Exhibit F; Vol. III; pp. 1375-1377).

Section 13 of the general railroad tax act provides for review of such assessments by certiorari, and that (Comp. Stat., p. 5270):

> "if such writ shall be allowed, and if it shall be
> "made to appear that any assessment is unlawful,
> "excessive or insufficient, the court shall correct the
> "same by whomsoever such writ shall be prosecuted,
> "and reduce or increase it, as may be just, or refer
> "it back to the board of assessors, who shall correct

"or re-assess the same, in accordance with the in-
"struction of the court."

Writs were allowed in these cases and the Supreme Court, after considering the evidence, affirmed some of the assessments and reduced others as above stated. The total reduction in assessed valuations made by the court is $10,832,302, leaving an increase of $12,011,757 over those for the preceding year.

For convenience a schedule is appended hereto, showing the assessed valuations for the year 1921, the valuations for the year 1922 as determined by a majority of the State Board, the valuations for the latter year made by a minority of the Board, and the valuations as determined by the Supreme Court.

The assessments on lands of the New York Central System are also shown on the schedule, but they are not in question. They were not increased for the year 1922 and were affirmed by the Supreme Court *in toto*. No appeal from such affirmance has been taken.

The cases were heard together by the State Board and argued together before the Supreme Court for the purpose of saving time and expense. Counsel respectfully ask leave to present them together in this court for the same reasons.

BRIEF OF THE ARGUMENT.

I.

Finding of facts not reviewable in this court.

Appellants allege in their first, third, seventh and ninth grounds of appeal that the assessed valuations as determined by the State Board of Taxes and Assessment were supported by the evidence; that the reduced valuations as determined by the court are greatly below market value; that the assessments as determined by the court are insufficient and unlawful; and that there was no error in the assessed valuations as made by the State Board.

The first, second and third points argued in the brief for appellants are that the assessed valuations were supported by the evidence; that the assessments were supported by the prices paid for other water-front lands in Hudson County; and that the assessed valuations were supported by the testimony of witnesses for the State.

The matters thus presented deal with the weight of the evidence and are not reviewable in this court.

Several years ago, some of the respondents in these cases attacked on certiorari the assessments by Jersey City for the year 1920, on certain parcels of their lands as determined by the State Board of Taxes and Assessment. The Supreme Court affirmed the assessments and prosecutors appealed from the affirmance. The opinion of this court in those cases was filed on November 20, 1922. It was entitled in the case of *Pennsylvania Railroad Co., Lessee,* v. *State Board of Taxes and Assessment and Mayor and Aldermen of Jersey City* and is as follows (119 Atl. 99):

> "This case was before the Supreme Court on "certiorari to review an assessment of taxes made "by Jersey City against the prosecutor-appellant, "which was reviewed by the State Board of Taxes "and Assessment and affirmed by that body. The "Supreme Court affirmed the State Board. As "there was evidence to support the finding of facts "made by the Supreme Court in affirming the de- "cision under consideration in that tribunal, that "finding is not reviewable in this court. Long "Dock Co. *v.* State Board of Taxes, &c., 90 N. J. L. "701.
>
> "The judgment of the Supreme Court reviewed "here must therefore necessarily be affirmed."

In the case of *Long Dock Co.* v. *State Board of Taxes and Assessment, et al.,* above cited, the company as prosecutor on certiorari attacked the assessments by the State Board on several parcels of its lands. The Supreme Court found some of the assessments not in excess of market value and others excessive. The former were affirmed and

the latter reduced. Prosecutor appealed from that part of the judgment which affirmed some of the assessments. This court said in that case:

> "The legal questions were first dealt with in the "opinion of Mr. Justice Parker in the court below, "so as to lay a foundation for the consideration "of the facts, and those questions were, in our "opinion, rightly decided. As there was evidence "to support the finding of facts made by the Su- "preme Court, that finding is not reviewable in "this court.
>
> "The judgment under review will be affirmed."

The present cases are identical in principle with the one last cited. In these cases as in that one, the Supreme Court first dealt with legal questions so as to lay a foundation for consideration of the facts.

The finding of facts as to the value of the lands presently assessed is, therefore, not reviewable in this court.

II.

The Supreme Court did not arbitrarily reduce the assessed valuations. There was evidence from which the Court could find them excessive.

The second and fourth grounds of appeal are that the reductions in the assessed valuations as made by the Supreme Court are arbitrary and not justified by any evidence.

The only standing appellants have in this court in respect to the evidence is by virtue of those grounds of appeal, but they have not been specifically argued. The reason is plain.

There was ample evidence that the assessed valuations as determined by the State Board of Taxes and Assessment were excessive.

The evidence before the State Board which was reviewed by the Supreme Court, consisted of proof of the prices paid for lands on and adjacent to the shore of the

New Jersey State Library

Hudson River and New York Bay in Hudson County, and testimony as to the value of the lands of respondents by witnesses for both sides.

Respondents caused a schedule of the sales to be prepared, and, for the purpose of avoiding any dispute as to them, submitted the schedule to counsel for appellants. No substantial objection was made to it (Vol. I, pp. 780-782; Exhibit P. 24, Vol. III, p. 1657). In addition, respondents produced testimony as to some of the sales.

The assessed valuations of the lands of respondents as determined by the State Board were far in excess of the market value thereof as shown by the sales.

According to the schedule of sales and the testimony, twenty-five per cent. of the Hudson River frontage in Hudson County was sold between the years 1915 and 1921. The sales were of lands in Jersey City, Hoboken, Weehawken and North Bergen. There were twelve sales and the highest *prices ranged from $54,227 to $68,200 per acre.*

The lands of respondents on the river in Hoboken and Jersey City were *assessed by the State Board at from $87,000 to $96,000 per acre* (Exhibit F, Vol. III, pp. 1375-1377).

During the same period there were sales of unfilled lands on New York Bay in Jersey City at *prices of from $5,340 to $8,853 per acre,* and sales of upland immediately back of the water-front at $15,000 per acre (Exhibit P. 24, Vol. III, p. 1657).

The lands of respondents on the bay, most of which are filled, were *assessed by the State Board at $20,000* per acre and upwards (Exhibit F, Vol. III, pp. 1375-1377).

The assessed valuations were not supported by the prices paid for other water-front lands.

The highest price for lands on the New Jersey shore of the Hudson River was paid in the year 1916 by the International Elevating Co. to the American Coal Co., for

a parcel at the foot of Sussex Street, in Jersey City, a few blocks south of the Pennsylvania Railroad Station. It averaged $68,200 per acre. The International Elevating Co. was engaged in transporting grain in floating elevators from railroad terminals to steamships. Because of the war, great quantities of grain were being shipped from the Port of New York to Europe and the business of the International Elevating Co. was active. It wanted a mooring place for its floating equipment on the west shore of the Hudson River. The only property for sale was that purchased by it and the seller could fix its own price (Vol. II, p. 910, l. 39; p. 911, l. 33; p. 923, l. 39; p. 926, l. 26). In this instance the necessity of the purchaser was great and the available property limited to a single parcel. Mr. Floyd S. Corbin, the broker who made the sale, and a witness for respondents testified that a high price was paid for it.

The Supreme Court properly concluded that this sale was made at a time when business was enormously and unhealthily stimulated by the war in Europe, and under circumstances tending to force an unusual price.

The next highest prices for lands on the river were those paid by the New York State Realty & Terminal Co., a subsidiary of the New York Central Railroad Co., to the Lord Construction Co. and the Edgecliff Realty Corporation in the year 1920 for two parcels in North Bergen. They averaged $65,645 and $64,193 per acre, respectively. The Lord Construction Co. bought the property it sold a few days before the sale by it at a price averaging $27,352 per acre, and the Edgecliff Realty Corporation bought the property sold by it less than three months before its sale at a price averaging $24,632 per acre. The jump in prices within a few months indicates something unusual. Mr. Robert M. Clark, land and tax agent of the New York State Realty & Terminal Co. and a witness for respondents, testified that his company purchased the parcels in anticipation of future needs when the business of the New York Central Railroad Co. would

be increased by a new terminal of the Cunard Steamship Co. to be constructed a short distance to the south which will be hereafter mentioned. He said that he did not consider the parcels to be worth their cost and that his company discounted the future in purchasing them (Vol. II, p. 1330, l. 18; p. 1333, l. 10). That the prices paid by the New York State Realty & Terminal Co. do not indicate a general boom in value, is shown by the sale to the Lord Construction Co. of a parcel just north of the one it sold to the New York State Realty & Terminal Co. a few days before the latter sale at a price averaging $23,900 per acre, and the sales of two other parcels in the immediate vicinity about the same time at substantially the same rate.

Next in the order of prices paid for lands on the river was that paid in the year 1920 by the Cunard Terminal Corporation to the Delaware & Hudson Co. for a large parcel in Weehawken. That price averaged $63,538 per acre. The Cunard Terminal Corporation is affiliated with the Cunard Steamship Co. The latter owns and charters many steamships and is compelled to berth them at various piers in New York Harbor which is expensive and unsatisfactory. The company wanted a terminal where it could concentrate its shipping and secure railroad connection, the latter being a very desirable object. It centered its attention upon the lands in Weehawken then owned by the Delaware & Hudson Co. for several reasons. The deep natural channel of the river runs along the pierhead line in front of it. The property has no substantial improvements upon it and its condition makes dredging comparatively inexpensive. It has a large frontage and sufficient depth back of the pierhead line. Last, but perhaps most important, it abuts on a belt line railroad connecting with every trunk line railroad in New Jersey, making switching arrangements simple. In that respect the property is unique. Mr. Delos W. Cooke, associate director of the Cunard Steamship Co., and a witness for respondents, testified to those facts. He said

that the property is the most desirable in the harbor for shipping purposes and preferable to any on the New Jersey side of the Hudson River, but that nevertheless the price paid for it was in excess of its value considered alone, such price representing its value to the company in connection with a comprehensive plan for a new terminal (Vol. II, p. 1307, l. 18; p. 1313, l. 9). Shortly after the Cunard Terminal Corporation made its purchase, it leased a large adjoining parcel from the New York State Realty & Terminal Co., the value of the leased lands being fixed for the purpose of rental according to the price paid by the Cunard Terminal Corporation for the land it purchased. The lease is for *eighty-four years* at a fixed annual rent. Mr. Clark, the land and tax agent of the New York State Realty & Terminal Co., testified that his company based the rental on an assumed value of the lands *twenty-five years after the lease was made,* it being thought that a rental determined in such manner would be greater than his company should have for the first twenty-five years of the term, but less than it should have for the remainder of the term, and that there would be some compensation to his company for its loss of rental after the first twenty-five years from the business the company would get from the Cunard Terminal Corporation (Vol. II, p. 1324, l. 28; p. 1327, l. 30). The witnesses for respondents believed the price paid by the Cunard Terminal Corporation to the Delaware & Hudson Co. was high and such conclusion is reasonable in view of Mr. Cooke's testimony which shows that the price represents value to the Cunard Terminal Corporation for its peculiar purposes, and not general market value.

Other sales of lands on the river were as follows: In the year 1915 the Hudson Realty Co., which is affiliated with the Delaware, Lackawanna & Western Railroad Co., purchased from the Ocean Steamship Co. a parcel at the foot of Eleventh and Twelfth streets in Hoboken at a price averaging $54,227 per acre, and, in the year 1916,

purchased from the Manor Real Estate & Trust Co., which is affiliated with the Pennsylvania Railroad Co., another parcel adjoining the parcel first purchased on the south, at a price averaging $59,045 per acre. Although the property sold by the Ocean Steamship Co. is larger in area and more regular in contour than the property sold by the Manor Real Estate & Trust Co., and the former has street frontage while the latter has not, the price paid for the Ocean Steamship Company's property averaged a lower rate per acre than that paid for the Manor Real Estate & Trust Company's property. The witnesses for respondents and the State thought that the price paid for the Ocean Steamship Co. property was fair. Some of the witnesses for respondents considered the price paid for the Manor Real Estate & Trust Co. property high and, considering the location and size of the respective properties, their conclusion has some support.

The American Warehouse & Trading Co. sold a parcel in Hoboken to the United States in the year 1917 at a price averaging $54,592 per acre. Mr. Thomas A. Ryer, a real estate broker, who helped make the sale and a witness for respondents, testified that the price was fixed by private contract after appraisals had been made.

The Luckenback Terminals purchased a parcel in North Bergen near the northerly line of Hudson County from A. J. Shamberg in the year 1920 at a price averaging $40,600 per acre. About a month prior to that sale, the Lord Construction Co. bought a parcel adjoining the Shamberg property on the south at a price averaging $23,900 per acre, and several months after the sale of the Shamberg property, Lever Brothers Co. bought a parcel just north of it at a price averaging $23,728 per acre. The prices paid for the parcels north and south of the Shamberg property indicate that a high price was paid for it. Mr. Robert Huntley, chief appraiser for Joseph P. Day & Co., real estate brokers, and a witness for respondents, testified that he talked with the seller and the latter admitted that he got a high price.

The sales mentioned included many parcels on the river in various localities and in different condition. They were purchased for different uses. The high prices paid by the International Elevating Co., the New York State Realty & Terminal Co. and the Cunard Terminal Corporation reflect purchases under necessity, extreme lack of supply, particular value and speculation. The lower prices paid by the Hudson Realty Co., the Lord Construction Co. and the Edgecliff Realty Corporation were under ordinary conditions so far as the record discloses. The prices paid for property north and south of the Shamberg property shortly before and after that property was sold show that an excessive price was paid for it, and the seller was of that opinion.

Regardless of the Shamberg property which was sold for less than $50,000 per acre, the seven sales of lands on the river at the highest prices, all within the last six or seven years, included 92.6 acres at an average price of $62,275 per acre, while the mean average of the highest and lowest prices is $60,637 per acre. The level of prices is remarkable, considering the differences in location and condition of the parcels sold, the various purposes for which they were acquired, the diverse reasons for the purchases, and the fact that the prices for the parcels purchased by the New York State Realty & Terminal Co. and the Cunard Terminal Corporation were at certain rates per front foot and not per acre.

Obviously the assessed valuations of from $87,000 to $96,000 per acre placed by the State Board on the lands of respondents on the Hudson River were excessive when compared with the prices paid for other lands on the river.

The Lehigh Valley Harbor Terminal Railway Co. purchased in the year 1916 from several owners, 497.12 acres of land mostly under water on the shore of New York Bay in Jersey City, at prices ranging from $3,500 to $7,500 per acre. The taxes on the lands were in arrears, and if the taxes were added to the purchase prices they ranged from

$5,340 to $8,853 per acre. The average price was about $6,000 per acre without arrears of taxes and $7,400 per acre with arrears of taxes.

The same company purchased in the year 1920, from the New York Bay Railroad Co., a subsidiary of the Pennsylvania Railroad Co., a parcel immediately in the rear of the lands first purchased, consisting almost entirely of upland at a price of $15,000 per acre for upland and $5,000 per acre for land under water, the average price being $14,663 per acre.

In the year 1919, the Tide Water Oil Co. purchased a parcel of upland near but not on the shore of the bay in Jersey City at a price averaging $15,000 per acre (Exhibit P. 24, Vol. II, p. 1722).

The assessed valuations of $20,000 per acre and upwards placed by the State Board on the lands of respondents on the bay were plainly excessive when compared with the prices paid for other lands on the bay.

Testimony for Respondents.

The testimony for respondents was by Mr. Floyd S. Corbin, a real estate broker, specializing in the selling and leasing of water-front property in New York Harbor, who participated in many sales of such property (Vol. I; pp. 82-104); Mr. Robert Huntley, chief appraiser for Joseph P. Day of New York City, who has appraised much water-front property in New York Harbor (Vol. I; pp. 6-25); Mr. Thomas A. Ryer, who has been engaged in the real estate business in Jersey City for over twenty years and who has had much experience in appraising water-front property in Hudson County (Vol. I; pp. 356-365); and Mr. Charles W. Morrison, a valuation engineer and appraiser who was formerly an appraiser of water-front lands in New York Harbor and elsewhere for the Federal Interstate Commerce Commission (Vol. I; pp. 601-611).

It is asserted several times in the brief for appellants that respondents' witnesses did not consider the prices

paid for water-front property, but their testimony is to the contrary. (Vol. I; p. 90; pp. 282-284; p. 360; pp. 603-604).

The witnesses for respondents valued the lands of respondents on the Hudson River at rates of from $41,457 to $80,000 per acre, and those on the bay at from $10,378 to $17,500 per acre. Their testimony supports the finding of fact by the Supreme Court that the assessed valuations were excessive.

Other Evidence that Assessed Valuations were Excessive.

It appears from the testimony of the witnesses for the State and from the appraisals made by respondents' witnesses that lands on the Hudson River in Hoboken and Jersey City are worth about fifty per cent. more than those on the river north of Hoboken.

The State Board valued the lands in the West Shore Terminal of the New York Central Railroad Co. on the river north of Hoboken at $40,000 and $45,000 per acre without complaint on behalf of the State or the municipality in which they are located.

Assuming that lands on the river in Hoboken and Jersey City are worth fifty per cent. more than those north of Hoboken and the latter are worth $45,000 per acre, the assessed valuations of from $87,000 to $96,000 placed by the Board on the lands of respondents on the river in Hoboken and Jersey City are out of proportion.

Uncontradicted Evidence that Assessed Valuations were Excessive.

The latest sales of lands on the Hudson River were in the years 1919 and 1920, the lands sold being in North Bergen and Weehawken, both of which are north of Hoboken. The sales were as follows:

Date	Purchaser	Location	Area in Acres	Price per Acre
Dec. 30, 1919	Edgecliff Realty Corporation	North Bergen	81.13	$24,652
Mar. 24, 1920	Lord Construction Co.	North Bergen	70.44	23,620
Mar. 24, 1920	N. Y. State Realty & Terminal Co.	North Bergen	14.02	64,193
Mar. 25, 1920	Lord Construction Co.	North Bergen	14.63	23,900
Mar. 26, 1920	Lord Construction Co.	North Bergen	9.14	27,352
Mar. 26, 1920	N. Y. State Realty & Terminal Co.	North Bergen	9.14	65,645
Apr. 29, 1920	Luckenbach Terminals	North Bergen	74.	40,600
Aug. 26, 1920	Cunard Terminal Corporation	Weehawken	35.514	63,538

There was undisputed testimony that the Edgecliff Realty Corporation and the Lord Construction Co. were associated. They purchased together over one hundred acres at a price of about $25,000 per acre and sold only 23 acres at a price of about $65,000 per acre. The area sold at low prices was almost five times that sold at high prices. The lands in North Bergen included in the above mentioned sales were all in the same neighborhood and were substantially similar so far as the water-front is concerned. The sales were all made about the same time. Market value is not established by one or two of them against the others.

The total area of the lands included in all of the above mentioned sales at both high and low prices was 272.5 acres and the aggregate price paid was $8,766,000 or an average of $32,000 per acre.

Most of the lands sold were unimproved and the undisputed testimony by the witnesses for the State was that improved lands are worth $10,000 per acre more than unimproved lands.

According to the evidence, unimproved lands on the river north of Hoboken were worth about $32,000 per acre and improved lands about $42,000 per acre.

The State Board valued the improved lands in the West Shore Railroad terminal on the river north of Hoboken at $40,000 and $45,000 per acre without complaint by the State or the municipality in which those lands are located.

The Board, the witnesses for respondents and the witnesses for the State placed higher unit values on the lands of respondents on the river in Hoboken and Jersey City than they did upon the lands north of Hoboken. The fact that the former are worth more than the latter is undisputed.

The valuations placed by the witnesses for respondents on the lands in Hoboken and Jersey City are approximately fifty per cent. higher than their valuations of the lands north of Hoboken, while the witnesses for the State testified that the former are worth about fifty per cent. more than the latter. The difference in value was substantially undisputed.

The uncontradicted evidence, therefore, proved that unimproved lands on the river north of Hoboken were worth about $32,000 per acre; that improved lands in that vicinity were worth about $45,000 per acre; and that the lands of respondents on the river in Hoboken and Jersey City were worth about fifty per cent. more than those north of Hoboken, or not more than $65,000 per acre instead of from $87,000 to $96,000 as the State Board determined.

In view of the sales, the testimony of witnesses for respondents, and the undisputed evidence above mentioned, appellants cannot seriously contend that there was no evidence to support a finding that the assessed valuations were excessive.

III.

The testimony of the witnesses for the State had no probative force.

The argument upon the third point in the brief for appellants refers to the weight of the evidence which is not reviewable in this court, but counsel for respondents feel compelled to advert to defects in the testimony for the State.

The witnesses for the State were Mr. Frederick Dunham, a civil engineer and harbor engineer of Jersey City (Vol. II; pp. 793-808); Mr. Thomas P. Graham, a real estate broker, who has had some experience with water-front property chiefly in New York (Vol. II; pp. 999-1038); and Mr. Charles Singer, Jr., a local real estate agent of the Town of Union in Hudson County, whose knowledge of the value of water-front property is very limited (Vol. II; pp. 977-990).

They first valued the lands in the West Shore Terminal of the New York Central Railroad Co. on the Hudson River in Weehawken and West New York by adding $10,000 or $11,000 to the prices paid by the New York State Realty & Terminal Co. and the Cunard Terminal Corporation for lands in that vicinity, and then valued the lands of respondents on the river in Hoboken and Jersey City by adding fifty or sixty per cent. to their own valuation of the lands in the West Shore terminal with further additions for higher values at the foot of Ferry street in Hoboken and Exchange Place in Jersey City (Vol. II, p. 808, l. 30; p. 810, l. 26; p. 815, l. 10; p. 817, l. 20; p. 826, l. 26; p. 828, l. 23; p. 838, ll. 20-35; p. 842, ll. 13-19; p. 1039, l. 16; p. 1040, l. 2; p. 1043, ll. 12-19; p. 1090, ll. 24-29; p. 1121, ll. 20-40; p. 1206, l. 38; p. 1207, l, 18; p. 1222, l. 15; p. 1223, l. 26; p. 1228, ll. 19-30; p. 1256, l. 20; p. 1257, l. 28; p. 1268, l. 37; p. 1269, l. 12).

In considering the prices paid for the lands purchased by the New York State Realty & Terminal Co. and the

Cunard Terminal Corporation as conclusive evidence of the market value of all lands on the river in their vicinity, the witnesses for the State blinded themselves to the reasons for the purchases by those companies, their peculiar necessities, the particular value to them of the lands they purchased, the exceptional character of the lands purchased by the Cunard Terminal Corporation, sales of other lands in the vicinity at lower prices, and the prices paid for lands on the river in Hoboken and Jersey City.

Having taken the highest prices paid for lands in North Bergen and Weehawken as conclusive evidence of the general market value of lands in that vicinity, and excluded all others, the witnesses for the State then added $10,000 per acre to those prices for the purpose of valuing the lands in the West Shore terminal in Weehawken and West New York. That was done on the theory that the lands sold were not filled and bulkheaded while the lands of the railroad company are, and that it costs $10,000 per acre to fill and bulkhead. The fact that the lands purchased by the Cunard Terminal Corporation were not filled and bulkheaded was an advantage to them for the purposes of that company. It avoided the expense of removing useless filling and bulkhead (Vol. II, p. 952, ll. 1-5). Furthermore, property cannot be valued according to the price paid for other property in a different condition with some addition for what it would cost to put the property sold in the same condition as that under consideration.

The evidence does not support the conclusion that there is a fixed relation between the value of lands on the river north of Hoboken and those on the river in Hoboken and Jersey City. The prices paid for lands on the river vary greatly, probably because of relative advantages of location and condition, and the requirements of purchasers.

Prices of $54,227 and $59,045 per acre were paid for lands on the river in Hoboken in the years 1915 and 1916, while the price paid for lands on the river in Jersey City in the year 1916 was $68,200 per acre. In one case the

price paid for lands in Jersey City was about thirteen per cent. greater than that paid for lands in Hoboken and in the other it was about twenty per cent. greater. There is an apparent fluctuation in the value of lands on the river in Hoboken and Jersey City which prevents them from being put on the same plane for the purposes of comparison with lands on the river north of Hoboken.

Again, prices of $23,620, $23,900, $64,193 and $65,645 per acre were paid for adjoining lands in North Bergen in the year 1920. If those prices are considered evidence of value, there was such a wide fluctuation in the value of lands on the river in that municipality that generalization of their value for the purpose of comparison with lands on the river in Hoboken and Jersey City is impossible, unless an average value of about $40,000 per acre is struck.

In valuing the lands of respondents on New York Bay, the witnesses for the State considered the sales in the year 1916 of lands on the bay in Jersey City to the Lehigh Valley Harbor Terminal Railway Co. too remote to be evidential and turned their attention to prices which the Standard Oil Co. agreed in the years 1919 and 1920 to pay for lands at Constable Hook in Bayonne.

The great refinery of the Standard Oil Co. is located at Constable Hook, a peninsular bounded by the Kill von Kull on one side and New York Bay on the other. That company for the purpose of extending its plant, in the year 1919, contracted to purchase from the Lehigh Valley Railroad Co. a large tract of unimproved land near the extreme end of the Hook at a price which averaged $19,700 per acre, and, in the following year, contracted to purchase from John E. Andrus an adjoining tract at a price of $25,000 per acre (Exhibit P. 24; Vol. III, p. 1658). The latter has upon it an ore dock, but the price mentioned was exclusive of the dock.

There is and has been for many years past great industrial activity at Constable Hook, several plants other than that of the Standard Oil Co. being located there. Because

of their location, lands at the Hook have a value peculiar to themselves and prices of over $50,000 per acre were paid for lands on the Kill von Kull near the end of the Hook between the years 1916 and 1920. The sales show that values decrease both on the Kill von Kull and New York Bay as the distance from the end of the Hook increases.

The prices paid for lands at Constable Hook and for those on the shore of the bay in Jersey City show that the former are more valuable and the witnesses for the State admitted that fact. Mr. Dunham testified that the value of lands on the bay decreases going north from Constable Hook and south from the Central Railroad terminal in Jersey City until the point of lowest value is reached in the Greenville yard of the Pennsylvania Railroad on the bay shore in Jersey City (Vol. II, p. 956, l. 30; p. 957, l. 2). Mr. Graham testified that lands at Constable Hook are more valuable than lands on the bay in Jersey City because of differences in location and condition (Vol. II, p. 1122, l. 37; p. 1123, l. 13; p. 1144, l. 9; p. 1146, l. 38).

The terminal lands of the Lehigh Valley Railroad Co. and those of the Central Railroad Company of New Jersey are in a peculiar position in respect of value. The witnesses for respondents and the State testified either directly or by implication from their appraisals that the lands of those prosecutors are less valuable than the lands on the river to the north and more valuable than the lands on the bay to the south. There have been no sales of land similarly situated. The witnesses for the State valued the lands of the Lehigh Valley Railroad Co. and the Central Railroad Company of New Jersey according to their own valuations of the lands of the other respondents on the river to the north and on the bay to the south. The vices of their method were, therefore, inherent in their valuations of the lands of those two respondents.

IV.

The reductions in the assessed valuations as made by the Supreme Court were not based upon any erroneous principles or illegal rules used by the witnesses for respondents.

The fifth ground of appeal is that the Supreme Court based its reductions upon the valuations made by respondents' witnesses which, it is said, were erroneous in principle, and the fourth point argued in the brief for appellants is that three of the witnesses for respondents used an erroneous method of appraisal.

There is no force in that ground of appeal nor in the argument upon it for the court did not adopt either the valuations made by respondents' witnesses nor their method of appraisal.

The complaint of appellants is that three of the witnesses for respondents, Messrs. Corbin, Ryer and Morrison, placed a higher value upon the front parts of the water-front lands of respondents than they did on the rear parts.

Their method of appraisal is sound in that respect. The adjacency of respondents' lands to tide-water gives them a particular value and one of the problems presented in appraising them is to properly determine that value. To what extent can it be estimated by the prices paid for other water-front lands?

The lands sold have a depth back of the pierhead line much less than that of the yards of respondents. The value of lands having a depth of not more than fourteen hundred feet back of that line as shown by sales being known, the question is how far the prices paid for them are evidential of the value of the railroad yards.

There is nothing on which to base a presumption that the same prices per acre would be paid for greater depths of land. The presumption is the other way for it is commonly recognized that where there is value because of

frontage, the rear part of a parcel of land has a lower unit value than the front.

Logically, therefore, the prices paid for water-front lands in this instance, are evidential only of the value of lands in the yards of respondents of equal depth with those sold or of a depth sufficient for similar use, and the value of the rear part of the yards cannot be predicated upon them. Any other conclusion lacks foundation of fact.

The Supreme Court said in the case of *Long Dock Co.* v. *State Board of Assessors,* 89 N. J. L. 108, that the tide-water terminal lands of that company should not be split into several zones and each zone valued separately as was done by the expert witnesses for the company, but an examination of the record in that case shows that the State Board made its valuations by splitting the lands into sections and placing a different value on each section.

Assuming that large parcels of land must be valued as entities and not divided for the purpose of valuation, if they have various elements of value, is there any lawful objection to determining the value of the several elements? And adjacency to tide-water being an element of value, is it not better to ascertain the value of that element with some degree of precision rather than guess at it?

No one has yet suggested a more scientific method of determining the value of the yards of the respondents because of their adjacency to tide-water than that adopted by the three witnesses for respondents.

Appellants also contend that respondents' witnesses did not consider the value of the lands of respondents for use for railroad purposes. What particular value have they for such use and how can it be ascertained? The witnesses for neither side could say what it is. Mr. Dunham, one of the State's witnesses, testified that no more is paid for such lands for railroad use than for other uses (Vol. II, p. 901, ll. 7-18). Mr. Graham, another wit-

ness for the State, could not say that the lands have any particular value for railroad use (Vol. II, p. 1176, l. 32; p. 1177, l. 2).

Why discuss particular value for railroad use, when, according to Mr. Dunham's testimony, there is none and the other witnesses could not say that there is any?

These matters have been mentioned but they are beside the mark. The Supreme Court did not subdivide the several parcels for appraisal nor did it refuse to consider the value of respondents' lands for use for railroad purposes. On the contrary the court valued each parcel in its entirety and expressly said that value for railroad use should be considered.

V.

The reductions made by the Supreme Court were based upon the evidence.

The sixth and tenth grounds of appeal are that the Supreme Court disregarded the evidence and reduced the assessed valuations because they showed a great advance over those for the preceding year; and that the court erroneously concluded that where there was a wide difference between the valuations made by the majority and minority of the Board, the valuations should be determined according to circumstances.

It is argued in behalf of appellants under the fifth point of their brief, that the Supreme Court did not base its valuations upon the evidence because (a) the court concluded that the unanimous opinion of the members of the State Board as to value had greater weight than the opinion of a bare majority, and in instances where there was a sharp conflict of opinion between the majority and minority members, the valuations should be determined according to the circumstances, by which the court undoubtedly meant the evidence; (b) the court determined that the enormous increase in the assessed valu-

ations in a single year was not fairly supported by the evidence; and (c) in cases where the increase was excessive, the court made such increases as the property would bear, or in other words such increases as the court thought were supported by the evidence.

(a) Manifestly the unanimous opinion of the members of the State Board as to value is entitled to greater weight than the opinion of a bare majority, and a sharp conflict of opinion between the majority and minority members indicated divergent views of the evidence. It, therefore, became necessary for the court to examine the evidence and determine the valuations according to it.

(b) The assessed valuations of respondents' lands on the Hudson River for the year 1922 were increased by the State Board up to fifty per cent., and those of their lands on New York Bay up to one hundred per cent. over those for the preceding year.

To support such increases, the State's witnesses testified that the value of water-front lands on the river had increased to the extent of fifty per cent. between the years 1916 and 1920, and the value of those on the bay had increased from seventy-five to one hundred per cent. during the same period, but they could not state the percentage of increase in any one year, nor could they point to any facts showing that the percentage of increase was uniform in all localities.

The Supreme Court determined from the evidence that there had been some increase in value between the years 1921 and 1922, but that there was no proof that the increase was uniform and no presumption to that effect. The Court said:

> "We do not think it follows from the fact, if it "be a fact, that the value of a particular tract "in a particular situation has increased by a cer- "tain percentage, that other tracts elsewhere have "increased in value to a like extent."

That conclusion is justified by the facts.

Comparing prices paid for water-front property on the Hudson River in Hoboken and Jersey City in the year 1916 with those paid for property on the river in North Bergen and Weehawken in the year 1920, the witnesses for the State tried to spell out a general increase of fifty per cent. in the value of all lands on the river between those years, and, comparing the prices paid for water-front property on New York Bay in Jersey City in the year 1916 with those paid for property at Constable Hook near the Kill von Kull in Bayonne in the year 1920, they testified to a general increase of one hundred per cent. in the value of all lands on the bay between those years (Vol. II; p. 855, l. 10; p. 858, l. 20; p. 942, l. 8; p. 944, l. 30; p. 957, ll. 10-18; p. 1051, l. 12; p. 1052, l. 33).

The fallacy of such reasoning is that it presumes a fixed relativity of value which does not exist.

In the year 1916, lands on the river in Hoboken and Jersey City were used entirely for railroad and shipping purposes, while there was much land on the river in North Bergen and Weehawken which was either unused or used for industrial purposes. After that year there were no lands on the river in Hoboken and Jersey City for sale, but there was some demand for lands on the river for use for railroad and shipping purposes. The New York Central Railroad Co. wanted lands for railroad use and the Cunard Steamship Co. wanted lands for a steamship terminal. The only lands for sale were in North Bergen and Weehawken. There was a demand for them and the prices asked for them went up sharply. They advanced from the domain of low value to that of high value because of the demand for them for use for high-class purposes. That is shown by the increased prices paid for the lands purchased by the New York State Realty & Terminal Co. within a period of three months, and by the fact that the lands in Weehawken purchased by the Cunard Terminal Corporation were considered worth about one-half of the price paid by that company before it sought

them (Vol. II; p. 1309, l. 23; p. 1310, l. 31; p. 1321, l. 21; p. 1322, l. 18).

The lands on the river in North Bergen and Weehawken were as suitable for use for railroad and shipping purposes in the year 1916 as in the year 1920, but, compared with the lands in Hoboken and Jersey City, they had a comparatively low value in the earlier year because there was no demand for them for use for such purposes. Such relativity of value was changed by the demand which occurred in the year 1920, and which caused very similar prices to be then paid for lands in North Bergen and Weehawken as were paid for lands in Hoboken and Jersey City for use for similar purposes.

Comparison of the prices paid in the year 1916 by the Lehigh Valley Harbor Terminal Railway Co. for lands on the shore of New York Bay in Jersey City with those paid in the year 1920 by the Standard Oil Co. for lands at Constable Hook in Bayonne, does not prove a general increase in the value of all lands on the bay.

Assuming that the Standard Oil Co. paid more for the lands it purchased than had theretofore been paid for lands on the shore of the bay at Constable Hook, those purchases were influenced by circumstances which do not apply generally to lands on the bay.

The purchases by the Standard Oil Co. were for the purpose of extending its plant. In such cases it is reasonable to suppose that because the purchaser is limited to a particular location and to certain parcels, more is paid for the lands than would be paid for them in the market by a purchaser not so limited and having an opportunity for selection. One owning a home and needing part of his neighbor's land for a driveway would pay more for it than an outsider. The price so paid represents *utilitas* or value to the purchaser and not market value. It cannot be well said that because the Standard Oil Co. for the purpose of extending its plant at Constable Hook paid more for the lands it purchased than had theretofore been

paid for lands in that vicinity, others having no plant to extend and being unlimited as to the location they might select, would pay some increased price for lands on the shore of New York Bay in Jersey City. Prospective purchasers of the latter, if asked increased prices on the strength of prices paid by the Standard Oil Co. would undoubtedly answer that their position is different and decline to be held up.

(c) The Supreme Court was called upon to exercise its judgment as to the value of respondents' lands. In doing so, the court could consider the assessed valuations for the preceding year, not as conclusive evidence of value, but for enlightenment. That was done by the State Board in determining the value of certain lands of respondents in Jersey City for assessment for the year 1920 and approved by the Supreme Court and by this court. In the case of *Lehigh Valley Railroad Co.* v. *State Board of Taxes and Assessment, et al.*, which was one of the cases involving those assessments, the Supreme Court said in its opinion which has not yet been reported:

> "It was perhaps right to consider its value as "fixed in 1918 and hear proofs as to any increase "during the next year as an aid in reaching its "value, but the former action was not a conclusive "element in fixing true value in 1919."

This court passed favorably upon the opinion in that case.

The following schedule shows the increases in the assessed valuations as made by the State Board and as allowed by the court:

Area in Acres	Assessed Valuations for 1921	Assessed Valuations for 1922	Increase in Assessed Valuations for 1922	Court's Valuations for 1922	Increase in Court's Valuations for 1922
		LEHIGH VALLEY			
5.941	$ 166,348	$ 237,640	42%	$ 178,230	7%
25.673	526,296	1,026,920	95%	770,190	46%
		ERIE			
16.555	1,098,480	1,440,285	31%	1,241,625	13%
67.830	4,351,973	6,104,700	40%	5,087,250	16%
2.816	168,960	253,440	50%	211,200	25%
3.164	189,840	284,760	50%	237,300	25%
		LACKAWANNA			
131.840	8,437,760	12,524,800	48%	10,547,200	25%
40.068	2,673,737	3,846,528	43%	3,205,440	19%
1.525	81,655	114,375	40%	99,125	21%
3.240	252,720	307,800	21%	275,400	9%
3.728	290,784	357,888	23%	316,880	9%
		PENNSYLVANIA			
343.137	3,887,145	6,862,740	76%	5,147,055	32%
12.731	168,049	254,620	51%	203,696	21%
30.564	2,439,007	2,903,580	19%	2,682,907	10%
3.623	293,946	344,185	17%	318,026	11%
98.835	6,295,789	8,707,363	39%	7,412,625	17%
6.682	384,685	588,684	53%	501,150	30%
		CENTRAL OF NEW JERSEY			
6.302	173,936	252,080	44%	207,966	19%
71.3	1,426,000	2,852,000	100%	1,996,400	40%
84.724	1,228,498	2,541,720	106%	1,694,480	37%
99.1	1,436,950	2,401,225	67%	1,680,857	16%
28.718	574,360	1,148,720	100%	804,104	40%
24.613	492,260	984,520	100%	689,164	40%
	$37,039,178	$56,340,573		$45,508,270	

Appellants' criticism of the Supreme Court is not because the court disregarded the evidence but because the court did not accept appellants' view of it.

Fault is also found by appellants because the Supreme Court did not follow its determination of the value of

other lands of the railroad companies for assessment by Jersey City for the year 1920, and because in one or two instances the court placed different values upon the main stems in respondents' yards and the adjoining land in the yards.

For several years prior to 1920, Jersey City regularly assessed certain lands of the railroad companies at excessive valuations and the State Board of Taxes and Assessment just as regularly cut them down on appeals by the companies. They appealed from the assessed valuations for the year 1920, and, thinking the State Board would reduce them as a matter of course, did not insist upon an exhaustive hearing before the Board.

Much to the surprise of the companies, a bare majority of the State Board disregarded the Board's prior action and affirmed the assessed valuations against the vote of the minority. All that the companies could do was to have the assessed valuations reviewed by the Supreme Court on the very brief record made before Board. That was done on certiorari and the assessments affirmed. The companies appealed to this court but without result, the decision of the Supreme Court being one of fact.

When the present assessments were made they showed a great increase over those for the preceding year and respondents realized that a full and complete review of them was necessary. All evidence of value that could be obtained was produced before the State Board and a more complete disclosure made than upon review of the assessments by Jersey City for the year 1920. Many new facts were presented and additional expert witnesses examined. The Supreme Court had before it in these cases much more evidence of the value of the lands assessed than it had on review of the assessments by Jersey City for the year 1920.

As to the valuations placed upon the main stems in the terminal yards and upon the adjoining second class land in the yards, the State Board made a distinction between

the two in making its assessments for the year 1921. The following is a tabulation showing the different valuations adopted by the Board for the year 1921 and by the Court for the year 1922, the rates being per acre:

			State Board 1921		Supreme Court 1922	
			Main Stem	2nd Class	Main Stem	2nd Class
Pennsylvania	Greenville	Yard	$13,200	$11,253	$16,000	$15,000
"	Main	"	79,800	96,000	87,780	96,000
"	Harsimus	"	57,570	63,700	75,000	75,000
Lackawanna	Hoboken	"	78,000	66,730	85,000	80,000
"	Jersey City	"	78,000	64,000	85,000	80,000
Erie	North	"	84,000	64,160	90,000	75,000

For some unknown reason the State Board thought the distinctions in value which existed in 1921 did not exist in 1922.

The main stem parcels are comparatively small in area and the Supreme Court was liberal to the State in fixing their value.

VI.

There was palpable error in the assessed valuations as determined by the State Board of Taxes and Assessment.

Appellants seem to think that the Supreme Court should have sustained the assessed valuations as determined by the State Board merely because the State produced some testimony for the purpose of supporting them, regardless of how faulty such testimony was, and of the true value of the property as shown by the evidence.

The duty of the Supreme Court under the general railroad tax act is to weigh the evidence and to correct the assessments if they appear insufficient or excessive. The court, of course, can give weight to the judgment of the State Board but is not bound by it, nor can the court presume that the members of the Board have any personal knowledge of the value of the lands assessed which is not disclosed on the record.

Mr. Justice Swayze who delivered the opinion of this court in the case of *Long Dock Co.* v. *State Board of Assessors, et al.,* 86 N. J. L. 592, after referring to the cases of *Central Railroad Co.* v. *State Board of Assessors,* 49 N. J. L. 1, and *Long Dock Co.* v. *State Board of Assessors,* 82 N. J. L. 21, both cited in the brief for appellants in these cases, said:

> "In both cases the court dealt with the weight of "evidence on the question of valuation, properly "requiring that the evidence should preponderate "against the valuation of the State Board before it "was set aside. We are not without precedent in "this court. The question is the same that arises "under the General Tax act; we have held that it "is the duty of the Supreme Court under that act "to reweigh the evidence and amend the assess- "ment when satisfied that the valuation of the tax- "able property for which the taxpayer is assessed is "erroneous. Millville Gaslight Co. *v.* Millville, 84 "N. J. L. 409. In the pending case the opinion "makes it clear that the court did not reweigh the "evidence but limited itself to a review of the legal "principles on which the State Board had acted. "But on that narrow ground also, there was error, "It is well recognized and on the plainest principles "of justice that the judgment, even of a court, is "legally erroneous if there is no evidence to support "it, since without evidence the judgment is no better "than an ordinary edict. In the present case the "State Board added twenty per cent., amounting "in the aggregate to nearly or quite a million dol- "lars to the valuations on which the experts on "both sides were in substantial accord. There was "no evidence to support this addition since the court "did not even assume that members of the Board "possessed knowledge not possessed by the experts, "but spoke only of considerations '*probably* within "the personal knowledge of the assessors,' a proba- "bility that was at least conjectural since the as- "sessors refused to disclose whether or not they "had any means of knowledge or familiarity with "the property they were valuing. The question of "the value of railroad property is a highly techni- "cal one for experts, and the State had, in 1909,

"for the information of the people of the State and "the State Board of Assessors, as the preamble of "the resolution declares, employed such experts. "There was no presumption in the mind of the leg- "islature that members of the Board would know "more than the experts and the court ought not to "assume such to be the fact without proof. * * * "If the Board was possessed of knowledge justifying "the valuation it adopted, that knowledge was not "brought to the attention of the Supreme Court "and does not appear on the record. It is urged "that it was the duty of the prosecutors to call "upon the Board to certify to their knowledge. To "this there are two answers—first, the prosecutors "might well rest content with the evidence as to "value, and second, a certificate by the Board is "not the proper way to ascertain their knowledge. "The prosecutors might rest content since the high- "est value that is testified to is far below the valu- "ation fixed by the Board. A certificate by the "Board is not the proper way to ascertain their "knowledge, because knowledge of values is the in- "dividual possession of each member and doubtless "differs with each, as is sufficiently shown by re- "marks made by one member of the Board during "the colloquy at the hearing. The Board as a "Board may certify its official findings, but not the "individual knowledge of each member. That in- "dividual knowledge differs in no essential respect "from the knowledge of the expert witnesses; it "may prove more or less valuable when subjected "to the same tests. * * * The only way to as- "certain the knowledge of members of the Board "was either by calling on each to certify individu- "ally—a proceeding for which there is, we think, no "precedent—or by examining each as a witness. "* * * Even in a tax case, said the court in "Londoner *v.* Denver, a hearing in its very essence "demands that he who is entitled to it shall have "the right to support his allegations by argument, "however brief, and, if need be, by proof, however "informal. In order to determine whether there is "need of proof on his part, the tax payer must know "what he has to meet. It is not consistent with the "methods of judicial tribunals nor of special tribu-

> "nals seeking to do justice, to give the taxpayer no "chance to know what the case made against him "may be. In this case, the members must have "stated to each other in secret session their "knowledge of the value of this property unless "they merely added the twenty per cent. in an ar- "bitrary way—a procedure we cannot impute to "them. Such a statement of the individual knowl- "edge of each differs in no essential respect from "testimony as to other facts except in its secrecy, "in its lacking the sanction of an oath, and its free- "dom from the safeguard of cross examination. So "open to abuse is such a method, so lacking in the "ordinary requirements of a hearing, that we may "safely say that no man's property is safe from con- "fiscation if taxing boards can without evidence "and behind closed doors add twenty per cent. to a "valuation on which sworn experts on both sides "are in substantial agreement."

A reassessment by the State Board was ordered in that case, and several members of the Board testified as to their personal knowledge. The reassessed valuations were brought before the Supreme Court on certiorari and the court after reviewing the evidence affirmed some of the new valuations and reduced others, as it did in the present cases. *Long Dock Co.* v. *State Board of Assessors,* 89 N. J. L. 108.

On appeal by prosecutor in that case, the judgment of the Supreme Court was affirmed by this court. *Long Dock Co.* v. *State Board of Assessors, et al.,* 90 N. J. L. 701. The opinion of this court is quoted under the first point of this brief.

The Supreme Court had before it in the instant cases the testimony and exhibits produced by both sides before the State Board on its review of the assessed valuations and the valuations made by the majority and minority of the Board. The record is silent as to any personal knowledge the members of the Board may have had as to the value of respondents' property and there is no presumption that they had any.

Full weight was accorded by the court to the judgment of the State Board in cases where it was unanimous for all unanimous valuations were sustained. The court also gave full weight to the Board's judgment where there was not much difference between the majority and minority valuations, the higher valuations being accepted. It was only where there was a wide difference between the majority and minority valuations that the court interfered with the judgment of the State Board, and it did so after considering the evidence.

Appellants have no just ground of complaint against the action of the Supreme Court in these cases and we respectfully submit the judgments should be affirmed.

ALBERT C. WALL,
Of Counsel with the Companies of the
Pennsylvania Railroad System.

M. M. STALLMAN,
Of Counsel with the Companies of the
Delaware, Lackawanna & Western
Railroad System.

ROBERT J. BAIN,
Of Counsel with the Companies of the Central
Railroad of New Jersey, Erie Railroad and
Lehigh Valley Railroad Systems.

LEHIGH VALLEY RAILROAD SYSTEM

SCHEDULE OF VALUATIONS.

Main Line or Branch	Taxing District	Class of Property	Description	Assessed Valuations for 1921 Area Acres	Rate Acre	Amount	Assessed Valuations for 1922 Area Acres	Rate Acre	Amount	Minority Board Valuations for 1922 Rate Acre	Amount	Assessed Valuations for 1922 as Fixed by Court Rate Acre		Amount
Main Line	Jersey City	Main Stem	Bayonne City Line to M. Canal, Ave. C	1.476	$10,000	$14,760	1.476	$10,000	$14,760	$10,000	$14,760	$10,000	(Affirmed)	$14,760
"	"	"	Avenue C. to Avenue D.	1.602	10,000	16,020	1.602	10,000	16,020	10,000	16,020	10,000	"	16,020
"	"	"	Brown Place to Linden Lane	2.911	12,000	34,932	2.911	12,000	34,932	12,000	34,932	12,000	"	34,932
"	"	"	Linden Lane to Chapel Avenue	4.444	14,000	62,216	4.444	14,000	62,216	14,000	62,216	14,000	"	62,216
"	"	"	Chapel Avenue to Morris Canal	4.614	12,000	55,368	4.614	12,000	55,368	12,000	55,368	12,000	"	55,368
"	"	"	Morris Canal to C. R. R. of N. J.	1.508	12,000	18,096	1.453	12,000	17,436	12,000	17,436	12,000	"	17,436
"	"	"	C. R. R. of N. J. to Caven Point Road	3.230	13,000	41,990	3.130	13,000	40,690	13,000	40,690	13,000	"	40,690
"	"	"	Caven Point Road to C. R. R. "Y"	5.769	13,000	74,998	5.769	13,000	74,998	13,000	74,998	13,000	"	74,998
"	"	"	C. R. R. of N. J. to N. & N. Y. Br.	0.826	13,000	10,738	0.826	13,000	10,738	13,000	10,738	13,000	"	10,738
"	"	"	N. & N. Y. Br. to Communipaw Ave.	0.971	24,000	23,304	0.971	24,000	23,304	24,000	23,304	24,000	"	23,304
"	"	"	Communipaw Ave. to Johnson Ave.	3.352	20,000	67,040	3.352	20,000	67,040	20,000	67,040	20,000	"	67,040
"	"	"	Johnson Ave. to Jersey Ave.	1.607	24,000	38,560	1.607	24,000	38,560	24,000	38,560	24,000	"	38,560
"	"	"	Jersey Avenue to 160' W. of Van Vorst St.	5.941	28,000	166,348	5.941	40,000	237,640	30,000	178,230	30,000	(Reduced)	178,230
"	"	"	160' W. of Van Vorst St. to Washington St.	2.433	54,000	131,382	2.433	55,000	133,815	55,000	133,815	55,000	(Affirmed)	133,815
"	"	"	Washington St. to Ext. line S. Fill	2.835	54,000	153,090	2.835	65,000	184,275	60,500	171,518	65,000	"	184,275
"	"	Second Class	Excess N. of Main Stem, E. Chapel Ave.	7.903	10,000	79,030	7.903	10,000	79,030	10,000	79,030	10,000	"	79,030
"	"	"	" between C. R. R. & Nat'l Docks Ry.	0.280	10,000	2,800	0.280	10,000	2,800	10,000	2,800	10,000	"	2,800
"	"	"	" east and west of Main Stem	0.850	10,000	8,500	0.850	10,000	8,500	10,000	8,500	10,000	"	8,500
"	"	"	" " " " " " "	0.790	10,000	7,900	0.790	10,000	7,900	10,000	7,900	10,000	"	7,900
"	"	"	S. of Main Stem, Jersey Ave. to National Docks.	3.497	14,400	50,357	3.497	20,000	69,940	16,000	55,952	20,000	"	69,940
"	"	"	S. of M. S. Morris Canal from center line of Jersey Ave.	13.650	14,400	196,560	13.650	15,000	204,750	15,840	216,216	15,000	"	204,750
"	"	"	160' W. of Van Vorst St. to center line of Jersey Ave.	25.673	20,500	526,296	25.673	40,000	1,026,920	30,000	770,190	30,000	(Reduced)	770,190
"	"	"	160 W. of Van Vorst St. to center line of Washington St.	10.100	55,000	555,500	10.100	55,000	555,500	55,000	555,500	55,000	(Affirmed)	555,500
"	"	"	Terminal Tract	38.380	55,000	2,110,900	38,380	65,000	2,494,700	60,500	2,321,990	65,000	"	2,494,700
"	Bayonne	Main Stem	Newark Bay to Hudson Boulevard	1.056	10,000	10,560	1.056	10,000	10,560	10,000	10,560	10,000	"	10,560
"	"	"	Hudson Boulevard to Jersey City Line	1.070	10,000	10,700	1.070	10,000	10,700	10,000	10,700	10,000	"	10,700
Edgewater Br.	Jersey City	"	M. L. to center line Mill Creek	4.362	24,000	104,688	4.362	24,000	104,688	24,000	104,688	24,000	"	104,688
"	"	"	Van Vorst St. to Warren St.	0.518	42,533	22,032	0.518	42,533	22,032	43,533	22,032	42,533	"	22,032
Nat'l Docks Br.	"	"	Montgomery to Grand St.	3.753	24,000	90,072	3.753	24,000	90,072	24,000	90,072	24,000	"	90,072
"	"	"	Grand St. to Pacific Ave.	1.264	32,000	40,448	1.264	32,000	40,448	32,000	40,448	32,000	"	40,448
"	"	"	Width variable	0.019	26,000	494	0.019	26,000	494	26,000	494	26,000	"	494
"	"	"	Morris Canal to Johnson Ave.	3.826	26,000	99,476	3.826	26,000	99,476	26,000	99,476	26,000	"	99,476
"	"	"	Width variable	0.087	20,000	1,740	0.087	20,000	1,740	20,000	1,740	20,000	"	1,740
"	"	"	M. L. L. V. R. R. to C. R. R.	0.766	20,000	15,320	0.766	20,000	15,320	20,000	15,320	20,000	"	15,320
"	"	"	C. R. R. to Communipaw Ave.	0.619	20,000	12,380	0.619	20,000	12,380	20,000	12,380	20,000	"	12,380
"	"	"	Communipaw Ave. to Phillips St. Br.	6.905	13,000	89,766	6.905	13,000	89,766	13,000	89,766	13,000	"	89,766
"	"	"	Phillips St. Br. to Caven Pt. Rd.	1.164	13,000	15,132	1.164	13,000	15,132	13,000	15,132	13,000	"	15,132
"	"	"	Caven Pt. Rd. to Chapel Avenue	11.209	12,600	141,234	11.209	12,600	141,234	12,600	141,234	12,600	"	141,234
"	"	"	Chapel Ave. to Linden Ave.	4.506	12,000	54,072	4.506	12,000	54,072	12,000	54,072	12,000	"	54,072
"	"	"	Linden Ave. to Morris Canal	1.302	12,000	15,624	1.302	12,000	15,624	12,000	15,624	12,000	"	15,624
"	"	"	Morris Canal to Main Line	0.503	12,000	6,036	0.503	12,000	6,036	12,000	6,036	12,000	"	6,036
"	"	"	M. L. to Brown Place	0.195	12,000	2,340	0.195	12,000	2,340	12,000	2,340	12,000	"	2,340
"	"	Second Class	Claremont Yard	42.831	10,000	428,310	42.831	10,000	428,310	10,000	428,310	10,000	"	428,310
Nat'l Docks Br.	Bayonne	Main Stem	J. City line to Packard Ditch	16,414	$7,000	114,898	16.414	$15,000	246,210	$15,000	246,210	15,000	"	246,210
"	"	"	Packard Ditch to Orford Copper Co.	13.638	8,000	109,104	12.999	20,000	259,980	20,000	259,980	20,000	"	259,980
"	"	"	Orford Copper Co. to end of line	1.106	15,000	16,590	1.106	20,000	22,120	20,000	22,120	20,000	"	22,120
"	"	Second Class	Excess widths	0.303	4,800	1,454	0.303	15,000	4,545	15,000	4,545	15,000	"	4,545
Communipaw Br.	Jersey City	Main Stem	50' limit to Nat'l Storage fence	4.401	13,000	57,214	4.401	13,000	57,214	13,000	57,214	13,000	"	57,214
"	"	Second Class	Excess Communipaw Av. to Nat'l Storage Co.	3.035	10,000	30,350	3.035	20,000	60,700	11,000	33,385	20,000	"	60,700
Nat'l Stor. Br.	"	Main Stem	"Y" width 100'	0.905	13,000	11,766	0.905	13,000	11,766	13,000	11,766	13,000	"	11,766
"	"	"	N. Docks Br. to Nat'l Stor. Co.	2.559	13,000	33,268	2.559	13,000	33,268	13,000	33,268	13,000	"	33,268
"	"	Second Class	Excess in Terminal	88.365	14,500	1,281,292	88.365	20,000	1,767,300	15,950	1,409,421	20,000	"	1,767,300
Bayonne Br. #2	Bayonne	Main Stem	M. L. to J. City line at Morris Canal	Not assessed in 1921			1.230	10,000	12,300	10,000	12,300	10,000	"	12,300
			Total, Lehigh Valley Railroad System.....			$7,263,045			$9,097,659		$8,208,336			$8,781,519

SCHEDULE OF VALUATIONS—Sheet 2.

Main Line or Branch	Taxing District	Class of Property	Description	Assessed Valuations for 1921 Area Acres	Rate Acre	Amount	Assessed Valuations for 1922 Area Acres	Rate Acre	Amount	Minority Board Valuations for 1922 Rate Acre	Amount	Assessed Valuations for 1922 as Fixed by Court Rate Acre		Amount
PENNSYLVANIA RAILROAD SYSTEM														
N. Y. Bay-M. L.	Jersey City	Second Class	Terminal Tract	(97.700	$ 3,850	$ 376,045								
				(208.700	14,500	3,026,150								
				(31.420	14,500	455,590								
				(7.600	3,850	29,260								
				345.420	11,253	$3,887,145	343.137	$20,000	$6,862,740	$12,378	$4,247,350	$15,000	(Reduced)	$5,147,055
"	"	Main Stem	In Terminal Tract	12.731	13,200	168,049	12.731	20,000	254,620	15,950	203,059	16,000	"	203,696
U. N. J.-M. L.	"	Second Class	Terminal Tract	30.564	79,800	2,439,007	30.564	95,000	2,903,580	87,780	2,682,908	87,780	"	2,682,908
"	"	"	240' on Bulkhead	3.623	81,130	293,946	3.623	95,000	344,185	87,780	318,027	87,780	"	318,026
"	"	Main Stem	In Terminal Tract	2.932	96,000	281,472	2.932	96,000	281,472	87,780	257,371	96,000	(Affirmed)	281,472
"	Hoboken	Second Class	Marine Shops, Castle Point	8.249	59,000	486,691	8.249	60,000	494,940	60,000	494,940	Not reviewed by Court		494,940
U. N. J. Harsimus Br.	Jersey City	"	Terminal Tract	98.835	63,700	6,295,789	98.835	88,100	8,707,363	70,070	6,925,368	75,000	(Reduced)	7,412,625
"	"	Main Stem	In Terminal Tract	6.682	57,570	384,685	6.682	88,100	588,684	70,070	468,208	75,000	"	501,150
			Total, Pennsylvania Railrod System			$14,236,784			$20,437,584		$15,597,231			$17,041,872
CENTRAL RAILROAD OF NEW JERSEY SYSTEM														
Main Line	Jersey City	Main Stem	Solid fill line to 160' west of Van Vost St.	5.464	$55,000	$ 300,520	5.464	$65,000	$ 355,160	$60,500	$330,572	65,000	(Affirmed)	355,160
"	"	"	160' W. of Van Vorst St. to Jersey Ave.	6.302	27,600	173,936	6.302	40,000	252,080	30,360	191,329	33,000	(Reduced)	207,966
"	"	2nd Class	Terminal Tract	97.063	55,000	5,338,465	97.063	65,000	6,309,095	60,500	5,872,312	65,000	(Affirmed)	6,309,095
"	"	"	Bl. 2145 - 48-D	71.300	20,000	1,426,000	71.300	40,000	2,852,000	22,000	1,568,600	28,000	(Reduced)	1,996,400
"	"	"	" 2154 - 22-G	84.724	14,500	1,228,498	84.724	30,000	2,541,720	15,950	1,351,348	20,000	"	1,694,480
"	"	"	Pier 18, part 22-J	99.100	14,500	1,436,950	96.049	25,000	2,401,225	17,500	1,734,250	17,500	"	1,680,857
"	"	"	So. of M. S. Van Vorst St. to Jersey Ave.	28.718	20,000	574,360	28.718	40,000	1,148,720	22,000	631,796	28,000	"	804,104
"	"	"	No. of M. S. " " St. to Jersey Ave.	24.613	20,000	492,260	24.613	40,000	984,520	22,000	541,486	28,000	"	689,164
"	"	"	Bl. 2048, Plot H	3.120	14,400	44,928	3.120	20,000	62,400	16,000	49,920	20,000	(Affirmed)	62,400
"	"	"	" " " S	19.611	13,600	267,010	19.611	20,000	392,220	14,960	293,381	20,000	"	392,220
"	"	"	" 2154, " 22-D	5.610	13,200	74,052	5.610	20,000	112,200	14,520	81,457	20,000	"	112,200
"	Bayonne	Main Stem	Morris Canal to Center St.	3.624	8,000	28,992	3.624	15,000	54,360	15,000	54,360	15,000	"	54,360
"	"	"	Center St. to E. 32nd St.	8.898	10,000	88,980	8.898	16,000	142,368	16,000	142,368	16,000	"	142,368
"	"	"	32nd St. to 30th St.	1.889	11,000	20,780	1.889	16,000	30,224	16,000	30,224	16,000	"	30,224
"	"	"	30th St. to 22nd St.	5.841	10,000	58,410	5.841	16,000	93,456	16,000	93,456	16,000	"	93,456
"	"	"	21st St. to Linnet St.	7.514	8,000	60,112	7.514	16,000	120,224	16,000	120,224	16,000	"	120,224
"	"	"	Linnet St. to Ave. D.	0.851	10,000	8,510	0.851	16,000	13,616	16,000	13,616	16,000	"	13,616
"	"	"	Ave. C to Hudson Co. Boulevard	2.495	12,000	29,940	2.495	15,000	37,425	15,000	37,425	15,000	"	37,425
Jersey Ave. Br.	Jersey City	2nd Class	Bl. 2145, lots 25-A & 25-D	3.986	12,000	47,832	3.986	20,000	79,720	13,200	52,615	20,000	"	79,720
Constable Hook Br.	Bayonne	Main Stem	Beginning to highway	7.504	13,000	97,552	7.504	20,000	150,080	20,000	150,080	20,000	"	150,080
"	"	"	Highway to end	4.580	13,000	59,540	4.580	20,000	91,600	20,000	91,600	20,000	"	91,600
Port Johnson Spur	"	"	2000' back of P. H. Line to Pier Head Line	4.028	8,400	33,835	4.028	30,000	120,840	30,000	120,840	30,000	"	120,840
"	"	2nd Class	2000' back of P. H. Line to Pier Head Line	19.342	8,400	162,473	19.342	30,000	580,260	30,000	580,260	30,000	"	580,260
			Total, C. R. R. of N. J. System			$12,053,935			$18,925,513		$14,133,519			$15,818,219
D., L. & W. R. R. SYSTEM														
Main Line	Jersey City	2nd Class	Terminal Tract	131.840	64,000	8,437,760	131.840	95,000	12,524,800	70,400	9,281,536	80,000	(Reduced)	10,547,200
"	Hoboken	"	" "	40.068	66,730	2,673,737	40.068	96,000	3,846,528	73,403	2,941,111	80,000	"	3,205,440
"	"	"	Lower Ferry Tract	10.315	92,125	950,273	10.315	96,000	990,240	96,000	990,240	96,000	(Affirmed)	990,240
"	"	"	Upper " "	1.525	53,544	81,655	1.525	75,000	114,375	60,000	91,500	65,000	(Reduced)	99,125
D., L. & W. R. R. Lessee	"	"	Manor Tract foot 11th St.	7.621	59,650	454,592	7.621	65,000	495,365	65,615	500,052	65,000	(Affirmed)	495,365
"	"	"	Ocean S. S. Tract foot 11th St.	16.136	59,650	962,512	16.136	68,800	1,110,157	65,615	1,058,764	68,800	"	1,110,157
Main Line	Jersey City	Main Stem	Main Stem in Terminal Tract	3.240	78,000	252,720	3.240	95,000	307,800	70,400	228,096	85,000	(Reduced)	275,400
"	Hoboken	"	" " " " "	3.728	78,000	290,784	3.728	96,000	357,888	73,403	273,646	85,000	"	316,880
			Total, D., L. & W. R. R. System			$14,104,033			$19,747,153		$15,364,945			$17,039,807

SCHEDULE OF VALUATIONS—Sheet 3.

ERIE RAILROAD SYSTEM

Main Line or Branch	Taxing District	Class of Property	Description	Assessed Valuations for 1921 Area Acres	Rate Acre	Amount	Assessed Valuations for 1922 Area Acres	Rate Acre	Amount	Minority Board Valuations for 1922 Rate Acre	Amount	Assessed Valuations for 1922 as Fixed by Court Rate Acre		Amount
Newark & Hudson-M. L.	Town of Kearny	Main Stem	Belleville Pike to Hackensack River	13.700	$ 1,000	$ 13,700	13.700	$ 2,000	$ 27,400	$2,000	$27,400			
N. & Hudson-Branch A	"	"	Beginning to Arlington R. R.	1.102	1,200	1,322	1.102	2,000	2,204	2,000	2,204			
"	"	"	Arlington R. R. to end	28.751	1,200	34,502	28.751	2,000	57,502	2,000	57,502			
"	"	Second Class	S. of M. S. at Junc. N. Y. & G. L. Ry.	0.745	720	536	0.745	2,000	1,490	2,000	1,490			
"	"	"	" " " West Arlington R. R.	0.367	720	264	0.367	2,000	734	2,000	734			
"	"	"	" " " Arlington R. R. to Belleville Pike	3.627	720	2,611	3.627	2,000	7,254	2,000	7,254			
"	"	"	North of M. S. Arlington R. R. to Belleville Pike	3.328	720	2,396	3.328	2,000	6,656	2,000	6,656			
"	"	"	S. of M. S. west of Belleville Pike	1.699	720	1,223	1.699	2,000	3,398	2,000	3,398			
"	"	"	N. " " " " " "	0.688	720	496	0.688	2,000	1,376	2,000	1,376			
"	"	"	S. " " " Belleville Pike to Bergen Avenue	4.803	720	3,458	4.803	2,000	9,606	2,000	9,606			
"	"	"	N. of M. S. Belleville Pike to Bergen Avenue	4.803	720	3,458	4.803	2,000	9,606	2,000	9,606	Not reviewed by Court		$221,928
"	"	"	N. of M. S. Bergen to Sanford Ave.	1.124	720	809	1.124	2,000	2,248	2,000	2,248			
"	"	"	S. " " " Bergen Ave. to N. & H. R. R.	3.305	720	2,380	3.305	2,000	6,610	2,000	6,610			
N. Y. & G. L. Ry-M. L.	"	Main Stem	Hackensack River to Belleville Pike	15.776	1,200	18,932	15.776	2,000	31,552	2,000	31,552			
"	"	"	Belleville Pike to Forest Avenue	14.643	1,200	17,572	14.643	2,000	29,286	2,000	29,286			
"	"	Second Class	N. of M. S. Hackensack River to Belleville Pike	4.950	720	3,564	4.950	2,000	9,900	2,000	9,900			
"	"	"	S. of M. S. Hackensack River to Belleville Pike	5.046	720	3,634	5.046	2,000	10,092	2,000	10,092			
"	"	"	N. of M. S. west of Belleville Pike	0.537	720	386	0.537	2,000	1,074	2,000	1,074			
"	"	"	S. " " " " " "	1.383	720	996	1.383	2,000	2,766	2,000	2,766			
"	"	"	N. " " " east of Schuyler Ave.	0.489	2,400	1,174	0.489	2,400	1,174	2,400	1,174			
Arlington R. R.	"	Main Stem	M. S. in Kearny	3.790	1,200	4,548	3.790	2,000	7,580	2,000	7,580	$ 2,000	(Affirmed)	7,580
Long Dock Co.	Jersey City	"	Solid fill line to Henderson St.	6.257	84,000	525,598	6.257	90,000	563,130	90,000	563,130	90,000	"	563,130
"	"	"	Grove St. to Henderson St.	0.924	108,000	99,792	0.924	108,000	99,792	108,000	99,792	108,000	"	99,792
"	"	Second Class	Terminal Tract, south Pavonia Ave.	16.555	66,353	1,098,480	16.555	87,000	1,440,285	72,988	1,208,316	75,000	(Reduced)	1,241,625
"	"	"	" " north " "	67.830	64,160	4,351,973	67.830	90,000	6,104,700	70,576	4,787,170	75,000	"	5,087,250
"	"	"	130′ on bulkhead	2.816	60,000	168,960	2.816	90,000	253,440	66,000	185,856	75,000	"	211,200
"	"	"	140′ " "	3.164	60,000	189,840	3.164	90,000	284,760	66,000	208,824	75,000	"	237,300
			Total for Erie Railroad System			$6,552,604			$8,975,615		$7,282,596			$7,669,805

NEW YORK CENTRAL RAILROAD SYSTEM

West Shore-Main Line	Weehawken Twp.	2nd Class	Southerly Terminal Tract	20.795	$45,000	$ 935,775	20.795	$45,000	$ 935,775	$45,000	$ 935,775	45,000	(Affirmed)	935,775
"	"	"	Northerly " "	59.720	45,000	2,687,400	59.720	45,000	2,687,400	45,000	2,687,400	45,000	"	2,687,400
"	"	"	So. of Main Stem, west of N. J. Junc.	0.370	10,000	3,700	0.370	10,000	3,700	10,000	3,700	10,000	"	3,700
"	"	"	East of West Shore Y	0.155	10,000	1,550	0.155	10,000	1,550	10,000	1,550	10,000	"	1,550
"	"	"	North " " " "	1.258	10,000	12,580	1.258	10,000	12,580	10,000	12,580	10,000	"	12,580
"	"	"	East end tunnel	3.680	6,390	23,512	3.680	6,390	23,512	6,390	23,512	6,390	"	23,512
"	West New York	"	Terminal Tract	114.281	45,000	5,142,645	114.281	45,000	5,142,645	45,000	5,142,645	45,000	"	5,142,645
"	"	"	Excess at foot bluff	9.740	10,000	97,400	9.740	10,000	97,400	10,000	97,400	10,000	"	97,400
"	"	"	Excess in connec. N. Y., O. & W. R. R.	2.224	10,000	22,240	2.224	10,000	22,240	10,000	22,240	10,000	"	22,240
"	"	"	Excess bet. N. Y. & F. L. & N. Y., O. & W. R. R.	2.159	10,000	21,590	2.159	10,000	21,590	10,000	21,590	10,000	"	21,590
"	Weehawken Twp.	Main Stem	Ext. line solid fill to West N. Y. Line	5.900	40,000	236,000	5.900	40,000	236,000	40,000	236,000	40,000	"	236,000
"	"	"	"Y" at Tunnel	1.951	40,000	78,040	1.951	40,000	78,040	40,000	78,040	40,000	"	78,040
"	"	"	East Portal Tunnel to Bulls Ferry Road	0.520	40,000	20,800	0.520	40,000	20,800	40,000	20,800	40,000	"	20,800
"	West New York	"	Main Stem in W. New York	2.755	40,000	110,200	2.755	40,000	110,200	40,000	110,200	40,000	"	110,200
N. Y. & Fort Lee	Weehawken Twp.	"	" " " Weehawken	2.502	40,000	100,080	2.502	40,000	100,080	40,000	100,080	40,000	"	100,080
"	West New York	"	" " " West New York	9.970	40,000	398,800	9.970	40,000	398,800	40,000	398,800	40,000	"	398,800
N. J. Junction	Weehawken Twp.	"	Junc. N. Y. & F. L. R. R. to Clifton Road	3.232	40,000	129,280	3.232	40,000	129,280	40,000	129,280	40,000	"	129,280
"	"	"	Clifton Rd. to grade crossing	7.330	10,000	73,300	7.330	10,000	73,300	10,000	73,300	10,000	"	73,300
"	"	"	Grade Crossing to Park Ave.	5.933	39,758	235,890	5.933	39,758	235,890	39,758	235,890	39,758	"	235,890
"	"	"	Park Ave. to Willow Ave.	0.436	30,000	13,080	0.436	30,000	13,080	30,000	13,080	36,000	"	13,080
"	West New York	"	West Shore Ter. to Guttenburg Line	0.243	40,000	9,720	0.243	40,000	9,720	40,000	9,720	40,000	"	9,720
"	Guttenberg	"	Main Stem in Guttenburg	0.670	40,000	26,800	0.670	40,000	26,800	40,000	26,800	40,000	"	26,800
"	N. Bergen Twp.	"	" " " N. Bergen Twp.	5.200	40,000	208,000	5.200	40,000	208,000	40,000	208,000	40,000	"	208,000
			Total, N. Y. C. R. R. System			$10,588,382			$10,588,382		$10,588,382			$10,588,382

New Jersey Court of Errors and Appeals

United New Jersey Railroad and Canal Company, a Corporation, The Pennsylvania Railroad Company, Lessee,

Long Dock Company, a Corporation,

Delaware, Lackawanna & Western Railroad Company, a Corporation,

New York Bay Railroad Company, a Corporation, The Pennsylvania Railroad Company, Lessee,

Central Railroad Company of New Jersey, a Corporation,

Lehigh Valley Railroad Company of New Jersey, a Corporation,

Prosecutors-Respondents,

vs.

State Board of Taxes and Assessment, Newton A. K. Bugbee, Comptroller of the Treasury, et al,

Defendants-Appellants.

On Appeal from Supreme Court (6 Cases)

BRIEF FOR APPELLANTS

These six appeals bring up for review the several judgments of the Supreme Court reducing the assessments of taxes for the year 1922 of certain first and second class railroad properties, situate in Hudson County, of the respective Respondents. The State Board of Taxes and Assessment made the original assessments, and the Railroad Companies complained to that Board that the assessments were too high and, after hearing, that Board by its final determinations affirmed the assessments. The Railroad Companies then brought the assessments and the proceedings had thereon to the Supreme Court by *certiorarii* with the result above stated. In the proceedings before the State Board and on the *certiorarii* before the Supreme Court, the cases were heard together and Appellants respectfully ask leave to argue them together here, and submit this Brief.

STATEMENT OF THE CASE

The properties involved in these Appeals are the railroad terminal yards located in Hoboken and Jersey City, fronting on the Hudson River and New York Bay, consisting of main stem and second class railroad property. These properties have been in continuous railroad ownership for years and, consequently, there were no sales of the identical properties that could be used as criteria of their market value on January 1st, 1921, the date of the assessments in question. There were, however, a number of sales in the year 1920 of unimproved shore-front properties in Hudson County, situate on the Hudson River and New York Bay, not as favorably and advantageously located or improved as the properties here under

review, but comparable therewith, which had a relative value in the market. These sales showed a great increase in the selling prices of shore-front properties in Hudson County and manifested that the properties of the respective Respondents had a higher market value on January 1st, 1921, than at any previous time. The State Board evidently considered these sales and the higher values reflected thereby in making up its assessments of these railroad terminal yards. It must be borne in mind that under the Act for the taxation of railroad and canal property, the State Board is the assessor of these classes of property and it is, therefore, its duty to ascertain the market value thereof. Furthermore, the State Board year after year hears appeals in respect to all other classes of property, including third class railroad property, and thereby is made conversant and familiar with the prevailing market prices of real property.

It is also common knowledge that the purchasing value of a dollar was greatly decreased during the years 1920 and 1921, and that the selling prices of real estate were greatly increased, and there is no reason to suppose that these monetary economic and market conditions did not apply to the shore-front properties of railroad companies devoted to railroad uses.

The State Board had these sources of available knowledge of the market value of Respondents' properties, as well as the advice of its Chief Engineer and Appraiser in making up the original assessments. On review thereof by the State Board, the expert witnesses for the State testified that there had been a tremendous increase in the selling prices in 1920 of shore-front properties in Hudson County, and, based upon these sales and

their expert and technical knowledge of the value of all shore-front properties in Hudson County, that the market value per acre of Respondents' terminal yards on January 1st, 1921, was much higher than the State Board's assessments.

They further testified that the prices paid by railroad and steamship companies for shore-front properties were indicative of their market value; that there was enough similarity along the Hudson River and New York Bay water-fronts in Hudson County to justify a comparison of values of the properties located on each shore-front; that these terminal yards should be valued as unified tracts of land in one ownership and devoted to a railroad use; that they accepted the sales of comparable or substantially similar properties as sales at market value at the time the sales were made; that they made a comparison of values between the lands involved in the sales and Respondents' terminal yards.

On the contrary, the witnesses for the railroads testified in many instances that although there had been substantial increases in the value of these terminal yards, the value thereof on January 1st, 1921, was much less than the assessed value for the previous year. They further testified that the prices paid by railroad companies for shore-front properties was not market value nor a proper test thereof; that the shore-front properties in Hudson County, located on the Hudson River and New York Bay, respectively, were so widely dissimilar that they could not make a comparison of values. They used the values of interior land and building lots to determine the value of these large railroad terminal yards. They did not value these yards as railroad properties affected by a railroad use, but divided them into zones including in the first zone a certain number of feet back from

the pier-head line, for the second zone so many feet back from the first zone, and so on, and valued the land separately in each zone to arrive at the valuation of the whole tract. They repudiated practically all sales of properties comparable with or substantially similar to these terminal yards.

In view of this testimony of the experts for the State as to the value of Respondents' properties, based upon legal principles of valuation and justifying and supporting the original assessments, and the testimony of the railroad witnesses violating these legal principles and not supporting the assessments, but fixing valuations far below the market value of Respondents' properties, as manifest by the sales of comparable properties, the State Board, after hearing and considering the same, and in the light of their own knowledge of the value of Respondents' properties, whatever it may have been, and as the Act for the taxation of railroad and canal property permits, affirmed, by a divided vote, its original assessments. The valuations of the minority, however, being millions of dollars higher than those testified to by the railroad witnesses.

On review of these assessments by the Supreme Court, it arbitrarily reduced some because it considered the majority value too high and, without indicating why, adopted the minority value; others, because it considered the advance excessive, without pointing out any evidence to support its opinion; others because the advance was too much for one year—thereby assuming that the properties were assessed at market value for the preceding year; others because it was all the property would bear, without showing how it arrived at its conclusion. But, in respect to others, affirmed the assessments because the valuations were the same as those for the preceding year; and others because the State Board

was unanimous as to the increase, the result being that the Supreme Court in some instances approved increases from 100% to 150% over the previous assessment of the properties, while in others it disapproved increases of 30% and also valued property in these terminal yards at $15,000 per acre more than identical property in the same yard.

Grounds of Appeal

1. The assessed valuations of the above properties as fixed and determined by the State Board of Taxes and Assessment were supported by the evidence before it, and, therefore, should have been affirmed by the New Jersey Supreme Court.

2. The reductions in the assessed valuations of said properties as made by the Supreme Court are arbitrary, and regardless of the evidence before the State Board.

3. The reduced valuations of said properties as fixed and determined by the Supreme Court are greatly below the market value thereof, as of January 1st, 1921, as appears by the evidence before the State Board.

4. There was no evidence before the State Board to justify the reductions in the assessed valuations of said properties as made by the Supreme Court.

5. The reductions in the assessed valuations of said properties as made by the Supreme Court are based upon valuations arrived at by respondents' experts by the use of erroneous principles and illegal rules.

6. The Supreme Court disregarded the evidence before the State Board as to the market

value of said properties on January 1st, 1921, and reduced the assessed valuations thereof because the assessment for 1922 showed a great advance over 1921.

7. The assessments of said properties as fixed and determined by the Supreme Court are insufficient and unlawful.

8. The reduced valuations of said properties as fixed and determined by the Supreme Court are not justified by any evidence before the State Board.

9. There was no error in the assessments or assessed valuations of said properties as made by the State Board and, therefore, they should have been affirmed by the Supreme Court.

10. The Supreme Court held that "valuations by a divided Board should be determined according to circumstances."

11. There being evidence before the State Board to sustain the assessed valuations of said properties and respondents having failed to show that said assessed valuations were not supported by said evidence, or justified by the personal knowledge of the members of the State Board which the Supreme Court did not possess, the Supreme Court therefore should have affirmed said assessments.

12. Upon the review of the assessments of said properties before the State Board, the valuations thereof as testified to by the State's experts supported said assessments, and the final determinations of the State Board being the same as its original assessments, the Supreme Court should have affirmed them.

BRIEF OF THE ARGUMENT

Point I

The assessed valuations of these properties, in respect to each parcel, were supported by the evidence before the State Board, and therefore, should have been affirmed by the Supreme Court.

An analysis of the testimony, which is shown by the following summary, demonstrates that the final determinations of the State Board, in respect to the assessed valuations of each parcel of Respondents' properties, were supported and sustained by the evidence:

CASE I

United New Jersey Railroad & Canal Company, a Corporation, The Pennsylvania Railroad Company, Lessee:

Parcel	Class	Taxing District		Description			Area
(1)	Second Class	Jersey City		Terminal Yard (Harsimus Branch)			98.835 Acres
State Board's 1922 Assessment		$8,707,363 or	88,100	an A. 2.00	sq. ft.	(Vol. III, p. 1345)	
State's Experts Valuation:							
Dunham		11,860,200 "	120,000	" " 2.75	"	" " p. 1783	
Graham		10,871,850 "	110,000	" " 2.50	"	" " p. 1801	
Singer		10,763,131 "	108,900	" " 2.50	"	" " p. 1809	
Railroad Witnesses Valuation:							
Huntley		6,424,275 "	65,000	" " 1.50	"	" " p. 1660	
Ryer		6,459,208 "	65,000+	" " 1.50	"	" " p. 1670	
Morrison		6,552,375 "	65,000+	" " 1.50	"	" " p. 1700	
Corbin		5,973,095 "	60,000+	" " 1.40	"	" " p. 1767	
State Board's 1921 Assessment.....		6,295,789 "	63,700	" " 1.46	"	" " p. 1376	
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Prop. (Lots C-5 and C-6, Block 15, and Lot B-1, Block 16)		119 Atl. 99	87,120	" " 2.00	"		
State Board's (1922) Final Determination ..		8,707,363 "	88,100	" " 2.00+	"	" " p. 1376	
Supreme Court's Judgment		7,412,625 "	75,000	" " 1.72+	"	" " p. 1398	

NOTE: (a) This Railroad Company purchased in 1918 the following adjoining backland properties to add to its (Harsimus Branch) Terminal Yard (Vol. I, pp. 464, 465; Vol. III, pp. 1689, 1690):

Corner Lots 26 and 28, Block 77, $20,000 or at rate of $4 sq. ft.

Lots 30 and 32, Block 77, $10,000 or at the rate of $2 sq. ft.

Lots 34 and 36, Block 77, $10,000 or at the rate of $2 sq. ft.

The railroad witnesses, in arriving at the selling price of these properties, included one-half of the streets (Vol. I, p. 466) on which these Lots abutted and thereby reached a lower figure. The Railroad Company, however, did not purchase any part of the streets.

Butler Bros. paid in 1920 for the following contiguous backland property (Vol. I, pp. 465, 466; Vol. III, p. 1690):

Plot E, Block 106, $264,000 or at the rate of $4.40 sq. ft.

Corner Plot B, Block 106, $25,000 or at the rate of $5 sq. ft.

New York State Realty & Terminal Co. (holding company for New York Central R.R. Co.) and Cunard Terminal Corporation, paid in 1920 for large tracts of unimproved shore-front properties in Weehawken and North Bergen, at the rate of $65,000 per Acre (Vol. III, p. 1722) which were about one-half as valuable per Acre as this railroad terminal yard. The Court below conceded that there was a great increase in the valuation of shore-front property in Weehawken (Vol. III, p. 1393).

In the light of all these sales and the evidence on behalf of the State, supporting the assessment, the Court below placed a valuation of only $75,000 per Acre on this Terminal Yard.

It is to be observed in the instant case and in those to follow, that the State Board placed practically the same valuation per Acre upon the first and second class railroad property of Respondents as the assessed valuation for 1920 of their adjoining third class railroad property which was affirmed by this Court, manifesting thereby that the State Board, in making up its 1922 assessments of Respondents' properties, used its knowledge of the valuations of adjoining third class properties to equalize the assessments. The testimony at bar shows that first and second class railroad property is as valuable per Acre, if not more so, than the adjoining third class.

We submit, therefore, that this Court should take judicial notice of its opinion and record in the third class railroad case above mentioned, in arriving at a decision in the present case, otherwise its former adjudications may be overruled by implication.

In *Brenville Water Supply Co.* vs. *Mobile,* 186 U. S. 212; 46 L. Ed. 1132, Mr. Justice Brewer, speaking for the Court, said:

> "We take judicial notice of our own records, and, if not *res adjudicata,* we may, on the principle of *stare decisis,* rightfully examine and consider the decision in the former case as affecting the consideration of this."

and, in *Dimmick* vs. *Tompkins,* 194 U. S. 540; 48 L. Ed. 1110, the Court said:

> "The Court has the right to examine its own records and take judicial notice thereof in regard to proceedings formerly had therein by one of the parties to the proceedings now before it."

and, in *De Bearn* vs. *Safe Deposit & T. Co.,* 233 U. S. 24; 58 L. Ed. 833, Mr. Chief Justice White, speaking for the Court, approved the principle of law laid down in the cases Supra.

In *Butler* vs. *Eaton,* 141 U. S. 240; 35 L. Ed. 713, the Court in effect held that upon the determination of an appeal it would consider the record of another suit between substantially the same parties, the judgment rendered in which constituted a proper basis for the decision in the case at bar.

See also *Thompson* vs. *Maxwell Land Grant & R. Co.,* 168 U. S. 451; *Van Pelt* vs. *Phillips,* 24 N. J. L. 560.

Parcel	Class	Taxing District		Description		Area
(2)	Main Stem	Jersey City		In Terminal Yard (Harsimus Branch)		6.682 Acres
State Board's 1922 Assessment		$588,684 or	88,100	an A. 2.00 sq. ft.		(Vol. III, p. 1343)
State's Experts Valuation:						
Dunham		801,150 "	120,000	" " 2.75	" " "	p. 1783
Graham		735,020 "	110,000	" " 2.50	" " "	p. 1801
Singer		727,668 "	108,900	" " 2.50	" " "	p. 1809
Railroad Witnesses Valuation:						
Huntley		434,330 "	65,000	" " 1.50	" " "	p. 1660
Ryer		436,601 "	65,000+	" " 1.50	" " "	p. 1670
Morrison		442,930 "	66,000+	" " 1.50	" " "	p. 1700
Corbin		403,592 "	60,000+	" " 1.40	" " "	p. 1767
State Board's 1921 Assessment		384,685 "	57,570	" " 1.32	" " "	p. 1376
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Prop. (Lots C-5 and C-6, Block 15, and Lot B-1, Block 16)		119 Atl. 99	87,120	" " 2.00		
State Board's (1922) Final Determination		588,684 "	88,100	" " 2.00	" " "	p. 1376
Supreme Court's Judgment		501,150 "	75,000	" " 1.72	" " "	p. 1398

NOTE: (b) The facts stated in NOTE (a) Supra, apply here.

It is also to be noted that the Court below put the same valuation per Acre on this Main Stem property as it did on the Terminal Yard through which it runs. It will be pointed out hereafter that in respect to Main Stem property in other Terminal Yards, the Supreme Court placed a higher valuation upon the Main Stem than upon the rest of the Terminal Yard.

Parcel	Class	Taxing District		Description			Area	
(3)	Second Class	Jersey City		Terminal Yard (Main Line)			30.564 Acres	
State Board's 1922 Assessment		$2,903,580 or	95,000	an A. 2.18 sq. ft.			(Vol. III, p. 1344)	
State's Experts Valuation:								
Dunham		3,973,320 "	130,000	" " 3.00	"	"	"	p. 1783
Graham		3,667,680 "	120,000	" " 2.75	"	"	"	p. 1801
Singer		3,661,261 "	119,790	" " 2.75	"	"	"	p. 1809
Railroad Witnesses Valuation:								
Huntley		2,445,120 "	80,000	" " 1.83	"	"	"	p. 1660
Ryer		2,296,753 "	75,000+	" " 1.72	"	"	"	p. 1669
Morrison		2,307,000 "	75,000+	" " 1.72	"	"	"	p. 1699
Corbin		2,265,351 "	75,000—	" " 1.72	"	"	"	p. 1766
State Board's 1921 Assessment:		2,439,007 "	79,800	" " 1.83	"	"	"	p. 1376
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Prop. (Pier C, Lot A-1 in Block 8)		119 Atl. 99	95,000—	" " 2.17	"			
State Board's (1922) Final Determination		2,903,580 "	95,000	" " 2.18	"	"	"	p. 1376
Supreme Court's Judgment:		2,682,907.92 "	87,780	" " 2.00	"	"	"	p. 1398

NOTE: (c) The facts stated in NOTE (a) Supra, apply here.

Main Stem Property in this Terminal Yard (2.932 Acres) assessed for 1921 at $96,000 an Acre, and assessed at the same rate per Acre for 1922, affirmed by the Supreme Court because the State Board had not increased the assessment for 1922 over 1921 (Vol. III, p. 1395).

Valuation per Acre by State's Experts for this Main Stem Property was the same as for the remainder of the Terminal Yard. Railroad Witness, Huntley, to like effect.

Comment is made in the Testimony by Railroad Witnesses and in the Opinion of the Court below, that the sale by the American Coal Co. to International Elev. Co. in 1916 of adjacent shore-front property at the rate of $68,200 per Acre, was at an unusual price on account of War conditions. Mr. Dunham, Chief Expert for the State, testified (Vol. II, p. 834) that this sale was somewhat peculiar and somewhat complicated; that all the purchaser acquired under its Deed was 8 Lots of land lying behind the bulkhead, the Southerly half of Morris St. pier, the Northerly half of Essex St. pier, and such rights as the grantor had or may have in the lands under water in front thereof (See also Corbin's Testimony, Vol. I, top of p. 163).

He further testified (Vol. II, p. 835) that the sale to the International Elev. Co. was not very helpful in determining the value of other property in that neighborhood unless it could be determined exactly what the purchaser obtained under its Deed. His interpretation was that this property did not have a riparian grant.

Mr. Huntley for the Railroads, testified (Vol. I, p. 225) that this sale was made at pretty nearly a fair market price.

The United New Jersey Railroad and Canal Company paid in 1918 for adjoining backland (in Blocks 73 and 74) to add to its Main Line Terminal Yard (Vol. I, p. 464; Vol. III, p. 1689) $95,000 and $108,000 respectively per Acre.

Yet the Court below only placed $87,780 per Acre upon this *more valuable* Terminal Yard, and affirmed an assessment of $95,000 per Acre on the Main Stem property therein.

Parcel	Class	Taxing District	Description	Area
(4)	Second Class	Jersey City	Terminal Yard 240′ on bulkhead)	3.623 Acres
State Board's 1922 Assessment		$344,185 or 95,000	an A. 2.18 sq. ft.	(Vol. III, p. 1344)
State's Experts Valuation:				
Dunham		470,990 " 130,000	" " 3.00 "	" " p. 1783
Graham		434,760 " 120,000	" " 2.75 "	" " p. 1801
Singer		433,999 " 119,000	" " 2.75 "	" " p. 1809
Railroad Witnesses Valuation:				
Huntley		289,840 " 80,000+	" " 1.83+ "	" " p. 1660
Ryer		288,000 " 80,000	" " 1.83 "	" " p. 1670
Morrison		289,840 " 80,000+	" " 1.83+ "	" " p. 1700
Corbin		300,900 " 80,000+	" " 1.83+ "	" " p. 1376
State Board's 1921 Assessment		293,946 " 81,130+	" " 1.86+ "	" " p. 1376
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920 of contiguous 3rd class R.R. Prop. (Pier C, Lot A-1 in Block 8).....		119 Atl. 99 95,000	" " 2.17 "	
State Board's (1922) Final Determination		344,185 " 95,000	" " 2.18 "	" " p. 1376
Supreme Court's Judgment.		318,026.94 " 87,780	" " 2.00 "	" " p. 1398

NOTE: (d) The facts stated in NOTE (c) Supra, apply here.

CASE II

The Long Dock Company, a Corporation:

Parcel	Class	Taxing District		Description		Area	
(1)	Second Class	Jersey City		Terminal Tract South of Pavonia Ave.		16.555 Acres	
State Board's 1922 Assessment		$1,440,285 or	87,000	an A. 2.00	sq. ft.	(Vol. III, p. 1538)	
State's Experts Valuation:							
Dunham		1,986,600 "	120,000	" " 2.75	"	" "	p. 1780
Graham		1,821,050 "	110,000	" " 2.50	"	" "	p. 1800
Singer		1,802,829 "	108,900	" " 2.50	"	" "	p. 1807
Railroad Witnesses Valuation:							
Huntley		1,076,075 "	65,000	" " 1.50	"	" "	p. 1667
Ryer		1,167,666 "	70,500	" " 1.60	"	" "	p. 1680
Morrison		1,061,437 "	64,200	" " 1.50	"	" "	p. 1696
Corbin		1,075,533 "	64,986	" " 1.50	"	" "	p. 1765
State Board's 1921 Assessment		1,098,480 "	66,353	" " 1.50+	"	" "	p. 1377
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920, of adjoining 3rd class R.R. Property (Lots C-5 and C-6 in Block 15, and Lot B-1 in Block 16)		119 Atl. 99	87,120	" " 2.00	"		
State Board's (1922) Final Determination		1,440,285 "	87,000	" " 2.00	"	" "	p. 1377
Supreme Court's Judgment		1,241,625 "	75,000	" " 1.72	"	" "	p. 1555

NOTE: (a) This property is a part of the Terminal Yard of the Erie R.R. and is adjacent to the Terminal Yard of the Harsimus Branch of the United New Jersey Railroad & Canal Company. The facts stated in NOTES (a) and (b) in that Case I, Supra, apply here.

It is also to be observed that the Court below affirmed an assessment of $90,000 per Acre on Main Stem Property (6.257 Acres) in the Erie Terminal Yard (Vol. III, pp. 1393, 1554). The expert witnesses for the State and the railroad witnesses both placed no higher valuation per Acre on this Main Stem Property than on the Terminal Yard through which it runs, yet the Supreme Court valued this Main Stem Property at $15,000 more per Acre than the Terminal Yard.

Furthermore, the Court below reduced the valuation of the adjoining Terminal Yard (Harsimus Branch) of the United New Jersey Railroad and Canal Co., as well as the Main Stem property therein, to $75,000 per Acre; and in respect to the Terminal Yard in the instant case, it also reduced the valuation to $75,000 per Acre, but as to the Main Stem property therein it affirmed the assessment of $90,000 per Acre. In effect, the Supreme Court said that these two Terminal Yards had the same acreage valuation, but that the Main Stem in one was $15,000 more valuable per Acre than the other.

Parcel	Class	Taxing District		Description			Area	
				Terminal Tract North of Pavonia Ave.			67.830 (44.296)	
(2)	Second Class	Jersey City		Plot A-2 Block 17			Acres	
State Board's 1922 Assessment		$6,104,700 or	90,000	an A. 2.00	sq. ft.	(Vol. III, p. 1540)		
State's Experts Valuation:								
Dunham		8,139,600 "	120,000	" " 2.75	"	"	"	p. 1780
Graham		7,461,300 "	100,000	" " 2.50	"	"	"	p. 1800
Singer		7,386,687 "	108,900	" " 2.50	"	"	"	p. 1807
Railroad Witnesses Valuation:								
Huntley		4,408,950 "	65,000	" " 1.50	"	"	"	p. 1667
Ryer		3,997,943 "	60,000	" " 1.40	"	"	"	p. 1680
Morrison		3,984,240 "	60,000	" " 1.40	"	"	"	p. 1696
Corbin		3,595,531 "	53,000	" " 1.22	"	"	"	p. 1765
State Board's 1921 Assessment		4,351,973 "	64,160	" " 1.50—	"	"	"	p. 1377
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920, of adjoining 3rd class R.R. Property (Lots C-5 and C-6 in Block 15, and Lot B-1 in Block 16)		119 Atl. 99	87,120	" " 2.00	"			
State Board's (1922) Final Determination..		6,104,700 "	90,000	" " 2.00+	"	"	"	p. 1377
Supreme Court's Judgment		5,087,250 "	75,000	" " 1.72+	"	"	"	p. 1556

NOTE: (b) The facts stated and contentions made in NOTE (a) in this Case, Supra, apply here.

Parcel	Class	Taxing District		Description			Area	
(3)	Second Class	Jersey City		Terminal Tract 130′ on Bulkhead, North Side Pavonia Ave.			2.816 Acres	
State Board's 1922 Assessment		$253,440 or	90,000	an A. 2.00+	sq. ft.		(Vol. III, p. 1540)	
State's Experts Valuation:								
Dunham		337,920 "	120,000	" " 2.75	"	"	"	p. 1780
Graham		309,760 "	110,000	" " 2.50	"	"	"	p. 1800
Singer		306,662 "	108,900	" " 2.50	"	"	"	p. 1807
Railroad Witnesses Valuation:								
Huntley		183,040 "	65,000	" " 1.50	"	"	"	p. 1667
Ryer		156,851 "	55,000+	" " 1.26	"	"	"	p. 1681
Morrison		176,000 "	63,000—	" " 1.45	"	"	"	p. 1697
Corbin		133,101 "	47,000+	" " 1.10	"	"	"	p. 1765
State Board's 1921 Assessment		168,960 "	60,000	" " 1.37+	"	"	"	p. 1377
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Property (Lots C-5 and in Block 15, and Lot B-1 in Block 16)		119 Atl. 99	87,120	" " 2.00	"			
State Board's (1922) Final Determination		253,440 "	90,000	" " 2.00+	"	"	"	p. 1377
Supreme Court's Judgment.		211,200 "	75,000	" " 1.72+	"	"	"	p. 1557

NOTE: (c) The facts stated and contentions made in NOTE (a) in this Case, Supra, apply here.

Parcel	Class	Taxing District		Description		Area
				Terminal Tract 140′ on Bulkhead		3.164
(4)	Second Class	Jersey City		Lot B-7, Block 16		Acres
State Board's 1922 Assessment		$284,760 or	90,000	an A. 2.00	sq. ft.	(Vol. III, p. 1540)
State's Experts Valuation:						
Dunham		379,680 "	120,000	" " 2.75	"	" " p. 1780
Graham		348,040 "	110,000	" " 2.50	"	" " p. 1800
Singer		344,559 "	108,900	" " 2.50	"	" " p. 1807
Railroad Witnesses Valuation:						
Huntley		205,660 "	65,000	" " 1.50	"	" " p. 1667
Ryer		176,508 "	56,000	" " 1.27	"	" " p. 1681
Morrison		197,750 "	62,000	" " 1.45	"	" " p. 1697
Corbin		117,000 "	37,000	" " .87	"	" " p. 1765
State Board's 1921 Assessment		189,840 "	60,000	" " 1.37+	"	" " p. 1377
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920, of adjoining 3rd class R.R. Property (Lots C-5 and C-6 in Block 15, and Lot B-1 in Block 16).....		119 Atl. 99	87,120	" " 2.00	"	
State Board's (1922) Final Determination		284,760 "	90,000	" " 2.00+	"	" " p. 1377
Supreme Court's Judgment.		237,300 "	75,000	" " 1.72+	"	" " p. 1557

NOTE: (d) The facts stated and contentions made in NOTE (a) in this Case, Supra, apply here.

CASE III

Delaware, Lackawanna & Western Railroad Company:

Parcel	Class	Taxing District		Description			Area	
(1)	Second Class	Jersey City		Terminal Yard Main Line Morris & Essex R.R. Co. Lot C, Block 19			131.84 Acres	
State Board's 1922 Assessment		$12,524,800	or	95,000	an	A.	(Vol. III, p. 1634)	
State's Experts Valuation								
Dunham		15,820,800	"	120,000	"	"	"	" p. 1777
Graham		15,161,600	"	115,000	"	"	"	" p. 1799
Singer		14,857,376	"	108,900	"	"	"	" p.
Railroad Witnesses Valuation:								
Huntley		8,569,600	"	65,000	"	"	"	" p. 1668
Ryer		7,410,325	"	56,000+	"	"	"	" p. 1683
Morrison		6,882,123	"	52,000+	"	"	"	" p. 1694
Corbin		6,447,729	"	50,000—	"	"	"	" p. 1763
State Board's 1921 Assessment		8,437,760	"	64,000	"	"	"	" p. 1376
State Board's 1922 Assessment of Main Stem Property in adjoining Terminal Yard of Long Dock Co. affirmed by Court below				108,000	"	"	"	" pp. 1377 1544
State Board's (1922) Final Determination		12,524,800	"	95,000	"	"	"	" p. 1376
Supreme Court's Judgment		10,547,200	"	80,000	"	"	"	" p. 1651

NOTE: (a) This property, located in Jersey City, is a part of the Main Line Terminal Yard of the D. L. & W. R. R. Co., and adjoins the Terminal Yard of the Long Dock Co. on the North. The facts stated and contentions made in NOTE (a) in Case II, Supra, as well as NOTES (a) and (b) in the United New Jersey Railroad & Canal Co. Case I, Supra, apply here.

Parcel	Class	Taxing District	Description			Area
(2)	Second Class	Hoboken	Terminal Yard (Main Line) Morris & Essex R.R. Co. Lot B, Block 139			40.068 Acres
State Board's 1922 Assessment.....		$3,846,528 or	96,000	an A.		(Vol. III, p. 1632)
State's Experts Valuation:						
Dunham		4,808,160 "	120,000	" "	" "	p. 1777
Graham		4,607,820 "	115,000	" "	" "	p. 1799
Singer		4,363,405 "	108,000	" "	" "	p. 1806
Railroad Witnesses Valuation:						
Huntley		2,604,420 "	65,000	" "	" "	p. 1668
Ryer		2,462,180 "	60,000+	" "	" "	p. 1683
Morrison		2,430,420 "	60,000+	" "	" "	p. 1694
Corbin		2,155,477 "	53,795	" "	" "	p. 1763
State Board's 1921 Assessment....		2,673,737 "	66,730	" "	" "	p. 1376
State Board's 1922 Assessment of Main Stem Property, adjoining Terminal Yard of Long Dock Co., affirmed by Court below.....			108,000	" "	" "	pp. 1377, 1544
State Board's (1922) Final Determination		3,846,528 "	96,000	" "	" "	p. 1376
Supreme Court's Judgment.....		3,205,440 "	80,000	" "	" "	p. 1652

NOTE: (b) This property, located in Hoboken, is a part of the Main Line Terminal Yard of the D. L. & W. R. R. Co., and adjoins on the South, Parcel (1) in this case, Supra. The facts stated and contentions made there apply here.

The Lower Ferry Tract (10.315 Acres) adjoins the instant property on the North. The State Board assessed the instant property as well as the Lower Ferry Property at the rate of $96,000 per Acre (Vol. III, p. 1376).

The Experts for the State put the same Acreage valuation on these Two Tracts. The Supreme Court, however, affirmed the assessment on the Lower Ferry Tract but reduced the assessment on the instant tract to $80,000 per Acre (Vol. III, pp. 1394, 1651, 1652), thereby holding that the Lower Ferry Tract was worth $16,000 more per Acre than the adjoining Terminal Yard of the D. L. & W. R. R. Co.

Parcel	Class	Taxing District	Description	Area
(3)	Second Class	Hoboken	Upper Ferry Tract D. L. & W. R. R., Lessee, Part Lot B-2, Block 263	1.525 Acres

State Board's 1922 Assessment.....	$	114,375	or	75,000	an A.			(Vol. III, p. 1632)
State's Experts Valuation:								
Dunham		166,225	"	109,000	" "	"	"	p. 1778
Graham		167,750	"	110,000	" "	"	"	p. 1799
Singer		196,346	"	130,680	" "	"	"	p. 1806
Railroad Witnesses Valuation:								
Huntley		91,500	"	60,000	" "	"	"	p. 1668
Ryer		79,714	"	52,000+	" "	"	"	p. 1684
Morrison		87,980	"	58,000—	" "	"	"	p. 1695
Corbin		69,000	"	45,000+	" "	"	"	p. 1764
State Board's 1921 Assessment....		81,655	"	53,544	" "	"	"	p. 1376
Unimproved Shore-Front Property in Weehawken sold in 1920 at...				65,000	" "	"	"	p. 1722
State Board's (1922) Final Determination		114,375	"	75,000	" "	"	"	p. 1376
Supreme Court's Judgment.....		99,125	"	65,000	" "	"	"	p. 1652

NOTE: (c) This is an intensely developed piece of shore-front property, and the State Board assessed it at the rate of $75,000 per Acre, and the Supreme Court reduced it to $65,000 per Acre.

As pointed out above, the New York State Realty & Terminal Co. and the Cunard Terminal Corporation paid in 1920 for unimproved shore-front property in Weehawken and North Bergen at the rate of $65,000 per Acre.

Obviously, this intensely developed Ferry Tract is at least $10,000 per Acre more valuable than the unimproved shore-front properties in Weehawken and North Bergen.

Parcel	Class	Taxing District	Description	Area
(4)	Main Stem	Jersey City	In Terminal Yard (Main Line) Morris & Essex R. R. Co.	3.240 Acres
State Board's 1922 Assessment.....		$ 307,800 or	95,000 an A.	(Vol. III, p. 1630)
State's Experts Valuation:				
Dunham		388,800 "	120,000 " "	" " p. 1777
Singer		352,836 "	108,900 " "	" " p. 1806
Railroad Witnesses Valuation:				
Huntley		210,600 "	65,000 " "	" " p. 1668
Ryer		182,088 "	56,200 " "	" " p. 1684
Morrison		141,134 "	43,560 " "	" " p. 1695
Corbin		158,452 "	48,905 " "	" " p. 1764
State Board's 1921 Assessment....		252,720 "	78,000 " "	" " p. 1376
State Board's 1922 Assessment of Main Stem Property, adjoining Terminal Yard of Long Dock Co., affirmed by Court below.....			108,000 " "	" " pp. 1377, 1544
State Board's (1922) Final Determination		307,800 "	95,000 " "	" " p. 1376
Supreme Court's Judgment.....		275,400 "	85,000 " "	" " p. 1652

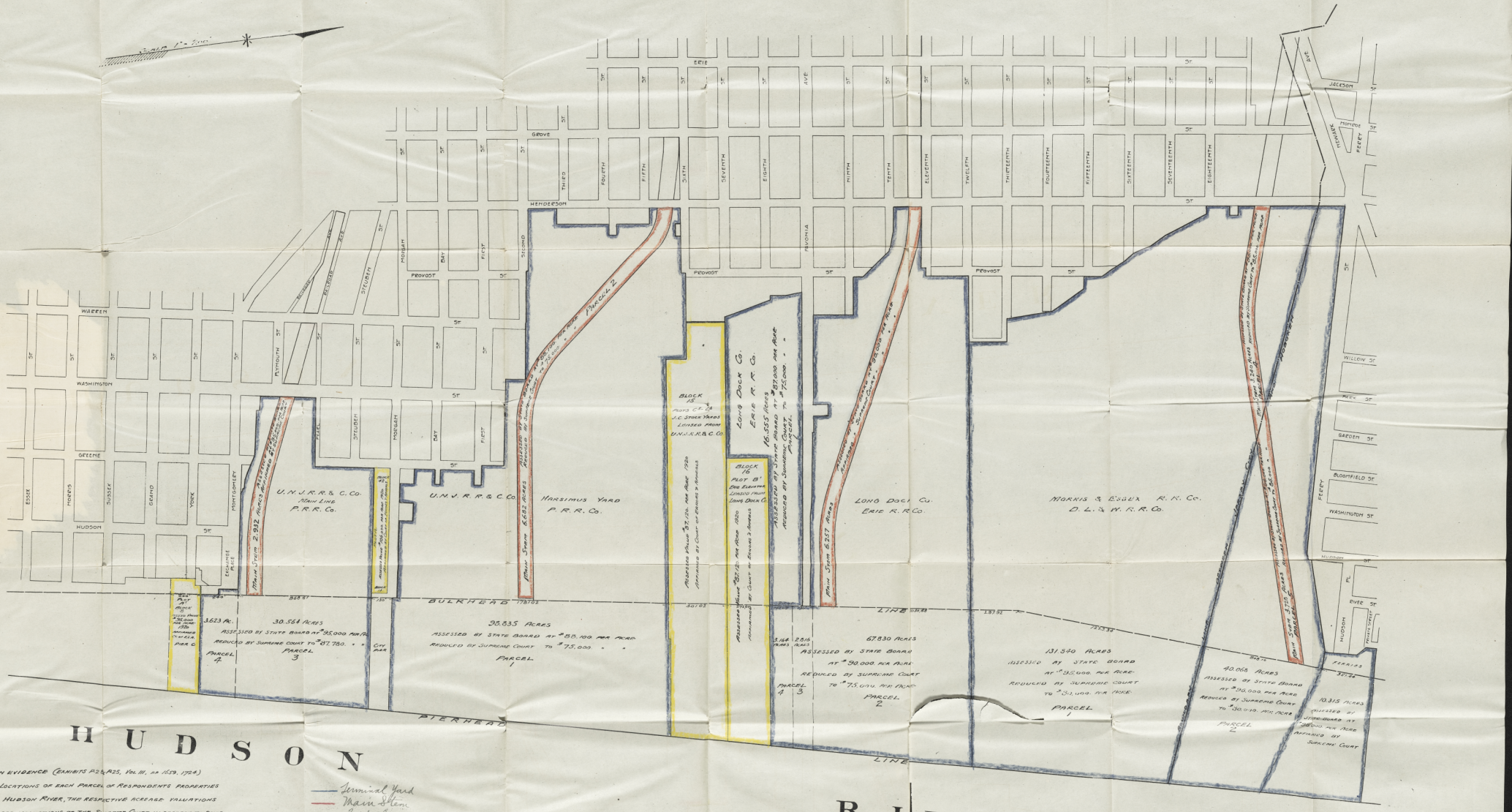
NOTE: (d) The Supreme Court placed a valuation of $80,000 per Acre on the Terminal Yard of the D. L. & W. R. R. Co., and $75,000 per Acre on the adjoining Terminal Yard of the Long Dock Co.

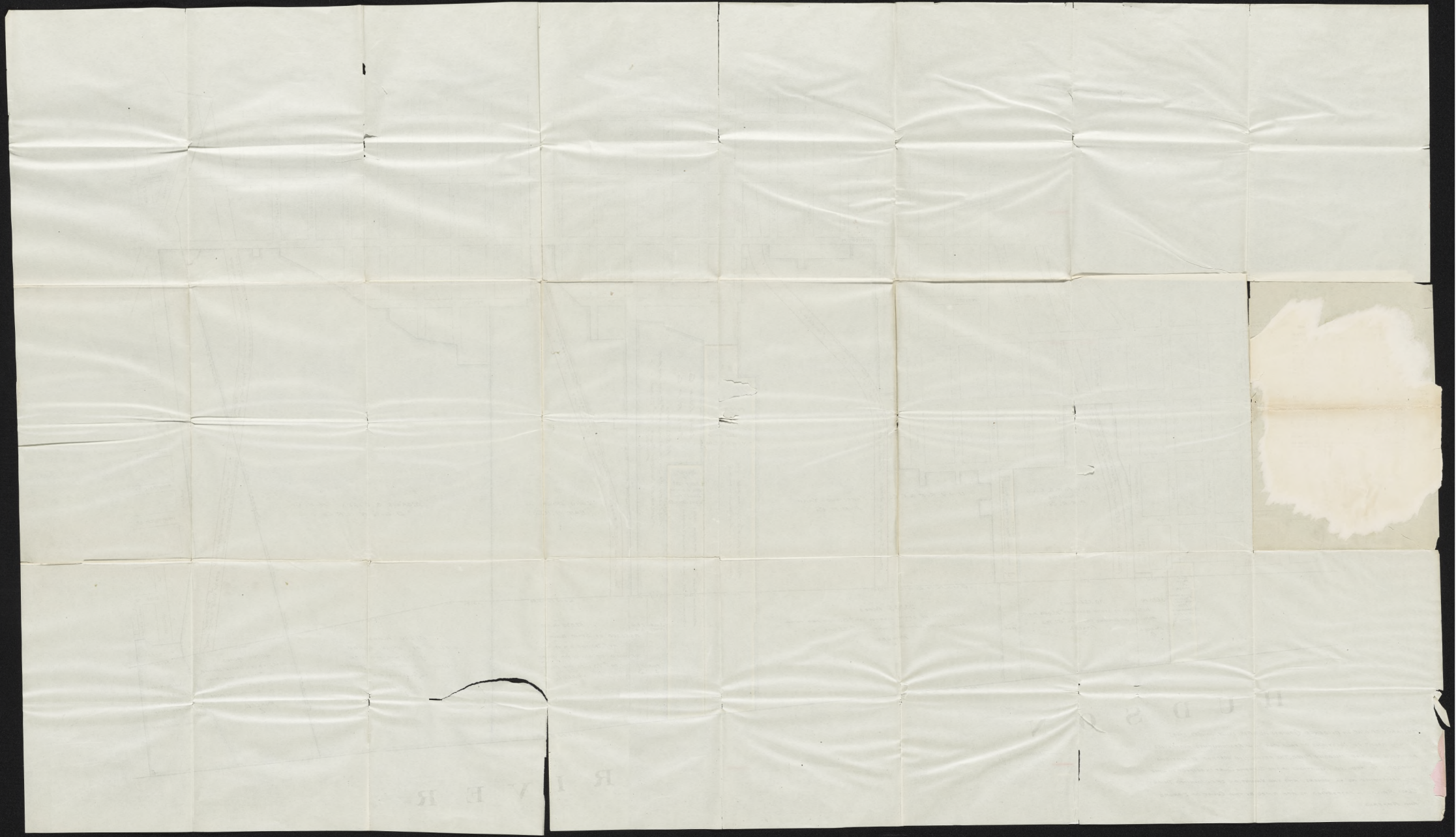
The Supreme Court, however, affirmed an assessment of $90,000 per Acre (Vol. III, p. 1377) on the Main Stem Property in the Terminal Yard of the Long Dock Co., and reduced the assessment of the Main Stem Property in the Terminal Yard of the D. L. & W. R. R. Co. to $85,000 per Acre, as appears above. In effect, the Supreme Court's Judgment is that the Terminal Yard of the D. L. & W. R. R. Co. is worth $5,000 more per Acre than the Terminal Yard of the Long Dock Co., but the Main Stem Property in the Terminal Yard of the D. L. & W. R. R. Co. is worth $5,000 less per Acre than the Main Stem Property in the Terminal Yard of the Long Dock Co. This is one of the many demonstrations that the Court Below did not consider the evidence or the relative values of the properties in reaching its valuations.

Parcel	Class	Taxing District	Description			
(5)	Main Stem	Hoboken	In Terminal Tract (Main Line) Morris & Essex R. R. Co.			
State Board's 1922 Assessment.....		$ 357,888	or 95,000	an A.	(Vol. II	
State's Experts Valuation:						
Dunham		447,360	" 120,000	" "	"	"
Singer		405,979	" 108,900	" "	"	"
Railroad Witnesses Valuation:						
Huntley		242,320	" 65,000	" "	"	"
Ryer		229,085	" 61,450	" "	"	"
Morrison		232,280	" 62,250	" "	"	"
Corbin		200,547	" 53,795	" "	"	"
State Board's 1921 Assessment....		290,784	" 78,000	" "	"	"
State Board's 1922 Assessment of Main Stem Property, adjoining Terminal Yard of Long Dock Co., affirmed by Court below.....			108,000	" "	"	"
State Board's (1922) Final Determination		357,888	" 95,000	" "	"	"
Supreme Court's Judgment.....		316,880	" 85,000	" "	"	"

NOTE: (e) The facts stated in NOTE (d) in this Case, Supra, apply here.

The following is an Abstract of the Map in evidence (Exhibits P-2 and P-25, Vol. III, pp. 1659, 1724) to show relative locations of each parcel of Respondents' properties fronting on the Hudson River, the respective acreage assessed valuations thereof, the valuations of the Supreme Court reducing some and affirming others, and the valuations of adjoining third class railroad properties as affirmed by the Court of Errors and Appeals, in *Pennsylvania R. R. Co.* vs. *State Board of Taxes and Assessment, et al,* 119 Atl. (N. J.) 99, 100.


Scale 1" = 200'
ERIE
GROVE
HENDERSON
PROVOST
WARREN
WASHINGTON
GREENE
HUDSON
JACKSON
MONTGOMERY
YORK
GRAND
SUSSEX
HOWES
ESSEX
EXCHANGE PLACE
PLYMOUTH
FIRST
SECOND
THIRD
FOURTH
FIFTH
SIXTH
SEVENTH
EIGHTH
NINTH
TENTH
ELEVENTH
TWELFTH
THIRTEENTH
FOURTEENTH
FIFTEENTH
SIXTEENTH
SEVENTEENTH
EIGHTEENTH
NINETEENTH
AVENUE
MORGAN
DAY
STUDER
STORM
ERIE
ERIE
ERIE



CASE IV

e New York Bay Railroad Company, a Corporation:

Class	Taxing District	Description		Area
ond Class	Jersey City	Terminal Yard (Greenville)		345.137 Acres
's 1922 Assessment.....	$6,862,740 or	20,000	an A.	(Vol. III, p. 1410)
erts Valuation:				
.....	10,294,110 "	30,000	"	" " p. 1784
.....	8,578,425 "	25,000	"	" " p. 1801
.....	10,462,933 "	30,000+	"	" " p. 1809
tnesses Valuation:				
.....	4,094,055 "	12,000—	"	" " p. 1660
.....	3,665,948 "	11,000—	"	" " p. 1669
n	4,443,544 "	13,000—	"	" " p. 1699
.....	3,561,200 "	10,000+	"	" " p. 1766
's 1921 Assessment:...	3,887,145 "	11,253	"	" " p. 1376
Court of Errors and affirming Assessed Valu- 1920 of adjoining 3rd . Prop. (Lot 2-L, in 7).....	119 Atl. 99	20,000	"	
l's (1922) Final Deter-	6,862,740 "	20,000	"	" " p. 1376
urt's Judgment:	5,147,055 "	15,000	"	" " p. 1423

) The Standard Oil Co. purchased in 1919 from the Lehigh Valley Railroad Company, 147.949 Acres of adjacent unimproved shore-front property on New York Bay, at the rate of about $20,000 per Acre; and purchased in 1920 from John E. Andrus 45.045 Acres of adjacent partially improved shore-front property on New York Bay, at the rate of about $25,000 per Acre (Vol. III, p. 1723). These properties were not as valuable per Acre as the improved lands of the terminal yard of the New York Bay Railroad Company.

The Court below said (Vol. III, p. 1391): Sales in Greenville district indicate considerable activity there, and substantial increase in taxable value is justified in view thereof."

Yet that Court fixed the valuation of this terminal yard $5,000 less per Acre than the selling prices of the above properties, and its valuation of adjoining third class property.

Parcel	Class	Taxing District	Description			Area
(2)	Main Stem	Jersey City	In Terminal Yard (Greenville)			12.731 Acres
State Board's 1922 Assessment.....		$254,620	or 20,000	an A.		(Vol. III, p. 1409)
State's Experts Valuation:						
Dunham		381,930	" 30,000	"	"	" p. 1784
Graham		318,275	" 25,000	"	"	" p. 1801
Singer		288,193	" 30,492	"	"	" p. 1809
Railroad Witnesses Valuation:						
Huntley		190,965	" 15,000	"	"	" p. 1660
Ryer		168,049	" 13,200	"	"	" p. 1669
Morrison		152,772	" 12,000	"	"	" p. 1699
Corbin		168,049	" 13,200	"	"	" p. 1766
State Board's 1921 Assessment.....		168,049	" 13,200	"	"	" p. 1376
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Prop. (Lot 2-L in Block 1507).....		119 Atl. 99	20,000	"		
State Board's (1922) Final Determination		254,620	" 20,000	"	"	" p. 1376
Supreme Court's Judgment		203,696	" 16,000	"	"	" p. 1423

NOTE: (b) The facts in NOTE (a) Supra in this Case apply here.

It is also to be noted that the Court below placed a valuation of $1,000 more per Acre on this Main Stem Property than it did upon the Terminal Yard through which it runs; BUT, in respect to the Main Stem in the Harsimus Branch of the United New Jersey Railroad & Canal Co., Supra, the Court below placed the same value per Acre upon the Main Stem as upon the Terminal Yard through which it runs.

The witnesses for the State placed the same valuation per Acre upon the Main Stem of the Greenville Terminal Yard as they did upon the Terminal Yard itself; Railroad witnesses to like effect.

CASE V

The Central Railroad Company of New Jersey:

Parcel	Class	Taxing District	Description		Area
(1)	Main Stem	Jersey City	160 ft. West of Van Vorst St. produced, to center line of Jersey Avenue		6.302 Acres
State Board's 1922 Assessment.....		$252,080	or 40,000	an A.	(Vol. III, p. 1500)
State's Experts Valuation:					
Dunham		409,630	" 65,000	"	" " p. 1794
Graham		409,630	" 65,000	"	" " p. 1803
Singer		480,401	" 76,230	"	" " p. 1815
Railroad Witnesses Valuation:					
Huntley		126,040	" 20,000	"	" " p. 1665
Ryer		126,040	" 20,000	"	" " p. 1677
Morrison		94,530	" 15,000	"	" " p. 1706
Corbin		97,681	" 15,500	"	" " p. 1770
State Board's 1921 Assessment....		173,936	" 27,600	"	" " p. 1376
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Prop. (Lot 48-F in Block 2145).....		119 Atl. 99	50,000	"	
State Board's (1922) Final Determination		252,080	" 40,000	"	" " p. 1376
Supreme Court's Judgment.....		207,966	" 33,000	"	" " p. 1524

NOTE: (a) The above-described property is part of the Main Stem in the Terminal Yard of the Central Railroad Company of N. J.

The State Board assessed same at $40,000 per Acre, which the Court below reduced to $33,000 per Acre. But the Court below affirmed an assessment of $65,000 per Acre upon 5.464 Acres of adjoining Main Stem Property in this yard, extending from the property here under review to the exterior line for solid fill at Hudson River (Vol. III, pp. 1395, 1523). In other words, the Supreme Court fixes the valuation of this Main Stem Property at $65,000 per Acre to a certain point, and $33,000 for the remaining portion thereof. All of this Main Stem is in the same condition, devoted to the same use, and in the same ownership, and there is no physical division thereof, yet the Court below says that one part is about 100% more valuable per Acre than the other part. Every part of this Main Stem as it continues through the Terminal Yard depends for its value in some measure upon every other part. Witnesses for the State placed the same valuation per Acre upon each portion of this Main Stem Property.

Parcel	Class	Taxing District	Description	Area
(2)	Second Class	Jersey City	Lot 48-D in Block 2145 (Main Line)	71.300 Acres
State Board's 1922 Assessment.....		$2,852,000	or 40,000 an A.	(Vol. III, p. 1501)
State's Experts Valuation:				
Dunham		3,565,000	" 50,000 "	" " p. 1794
Graham		3,208,500	" 43,500 "	" " p. 1803
Singer		3,882,285	" 54,450 "	" " p. 1816
Railroad Witnesses Valuation:				
Huntley		1,426,000	" 20,000 "	" " p. 1665
Ryer		1,147,760	" 16,000+ "	" " p. 1678
Morrison		1,386,500	" 19,500— "	" " p. 1707
Corbin		1,148,988	" 16,000+ "	" " p. 1771
State Board's 1921 Assessment.....		1,426,000	" 20,000 "	" " p. 1376
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. Prop. (Backland, Lot 48-F in Block 2145).....		119 Atl. 99	50,000 "	
State Board's (1922) Final Determination		2,852,000	" 40,000 "	" " p. 1376
Supreme Court's Judgment.....		1,996,400	" 28,000 "	" " p. 1524

NOTE: (b) This property is a part of the Main Terminal Yard of the New Jersey Central R.R. Co., which the Supreme Court reduced to $28,000 per Acre, but affirmed an assessment of $65,000 per Acre on 97.063 Acres thereof (Vol. III, p. 1395).

The instant property lies between two tracts of third class railroad property—one adjoining on the North, assessed valuation for 1920 $50,000 per Acre (Lot 48-F, Block 2145), and the other on the South, assessed valuation for 1920 $30,000 per Acre (Lot 22-J, Block 2154, North side), both affirmed by this Court; which would indicate that the instant property was worth *at least* $40,000 per Acre, the amount of the assessment, and should have been affirmed by the Court below.

Parcel	Class	Taxing District		Description		Area	
(3)	Second Class	Jersey City		Lot 22-G, Block 2154 (Main Line)		84.724 Acres	
State Board's 1922 Assessment.....		$2,541,720	or	30,000	an A.	(Vol. III, p. 1501)	
State's Experts Valuation:							
Dunham		3,388,960	"	40,000	"	"	" p. 1795
Graham		2,965,340	"	35,000	"	"	" p. 1803
Singer		3,690,577	"	43,560	"	"	" p. 1816
Railroad Witnesses Valuation:							
Huntley		1,270,860	"	15,000	"	"	" p. 1665
Ryer		1,177,688	"	14,000—	"	"	" p. 1678
Morrison		1,119,865	"	13,000+	"	"	" p. 1707
Corbin		1,168,236	"	14,000—	"	"	" p. 1771
State Board's 1921 Assessment....		1,228,498	"	14,500	"	"	" p. 1376
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. prop. (Lot 22-J in Block 2154, North side)		119 Atl. 99		30,000	"		
State Board's (1922) Final Determination		2,541,720	"	30,000	"	"	" p. 1376
Supreme Court's Judgment.....		1,694,480	"	20,000	"	"	" p. 1524

NOTE: (c) This property the Court below reduced to $20,000 an Acre, although it sustained an assessment of $65,000 per Acre on adjoining property, in the same yard.

Parcel	Class	Taxing District	Description		Area	
(4)	Second Class	Jersey City	Pier 18, Part of Lot 22-J in Block 2154 (Main Line)		99.100 (96.049)	Acres
State Board's 1922 Assessment.....		$2,401,225	or 25,000	an A.	(Vol. III, p. 1501)	
State's Experts Valuation:						
Dunham		3,361,715	" 35,000	"	" "	p. 1795
Graham		3,361,715	" 35,000	"	" "	p. 1803
Singer		4,183,894	" 43,560	"	" "	p. 1816
Railroad Witnesses Valuation:						
Huntley		1,860,857	" 17,500	"	" "	p. 1665
Ryer		1,586,350	" 16,500	"	" "	p. 1679
Morrison		1,474,117	" 15,000—	"	" "	p. 1708
Corbin		1,404,132	" 14,000+	"	" "	p. 1771
State Board's 1921 Assessment....		1,436,950	" 14,500	"	" "	p. 1376
Opinion of Court of Errors and Appeals, affirming Assesed Valuation for 1920 of 3rd class R.R. Prop. adjoining, to the South: (Lot 22-J in Block 2154, South side).....		119 Atl. 99	20,000	"		
" to the North: (Lot 22-J in Block 2154, North side).....		" " "	30,000	"		
Judgment of Court of Errors and Appeals affirming Assessed Valuation for 1920 of property here under review (then 3rd class R.R. Prop.).....		" " "	25,000	"		
State Board's (1922) Final Determination		2,401,225	" 25,000	"	" "	p. 1376
Supreme Court's Judgment.....		1,680,857	" 17,500	"	" "	p. 1525

NOTE: (d) The Court below reduced this property to $17,500 per Acre, but affirmed an assessment of $20,000 per Acre on 88.365 Acres of National Storage Branch property of the Lehigh Valley Railroad Company of N. J. (Vol. III, pp. 1392, 1617). The expert witnesses for the State testified that the instant property of the New Jersey Central R.R. Co. was $5,000 more valuable per Acre than the National Storage Branch property (See Valuations, Vol. III, pp. 1787, 1802, 1814) and the Railroad witnesses from $1,000 to $2,500 more valuable per Acre (Vol. III, pp. 1664, 1675, 1705, 1769), yet the Court below found that the National Storage Branch property was $2,500 more valuable an Acre than the New Jersey Central property here under review.

It is also to be borne in mind that the Standard Oil Co. paid $20,000 per acre for *unimproved* lands farther South on New York Bay (See NOTE (a) Case IV, Supra) but the Court below placed only $17,500 Acre on the instant property which is *highly developed and in railroad use.*

Parcel	Class	Taxing District	Description			Area
(5)	Second Class	Jersey City	South of Main Stem, Van Vorst Street to Jersey Avenue; Part of Plot 51, Block 2145			28.718 Acres
State Board's 1922 Assessment.....		$1,148,720	or 40,000	an A.		(Vol. III, p. 1502)
State's Experts Valuation:						
Dunham		1,866,670	" 65,000	"	" "	p. 1794
Graham		1,866,670	" 65,000	"	" "	p. 1803
Singer		2,189,173	" 76,230	"	" "	p. 1816
Railroad Witnesses Valuation:						
Huntley		574,600	" 20,000	"	" "	p. 1665
Ryer		459,488	" 16,000	"	" "	p. 1679
Morrison		430,770	" 15,000	"	" "	p. 1708
Corbin		430,770	" 15,000	"	" "	p. 1772
State Board's 1921 Assessment....		574,360	" 20,000	"	" "	p. 1376
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. prop. (Lot 48-F in Block 2145).....		119 Atl. 99	50,000	"		
State Board's (1922) Final Determination		1,148,720	" 40,000	"	" "	p. 1376
Supreme Court's Judgment.....		804,104	" 28,000	"	" "	p. 1525

NOTE: (e) This property is part of the Main Terminal Yard of the New Jersey Central R.R., which the Supreme Court reduced to $28,000 per Acre but affirmed an assessment of $65,000 per Acre on 97.063 Acres thereof (Vol. III, p. 1939). The experts for the State placed the same valuation per Acre on each, because they were a part of the same Terminal Yard. The effect of the opinion of the Supreme Court is that adjoining properties in the same Terminal Yard, devoted to the same use, one part is more than twice as valuable as the other.

Parcel	Class	Taxing District	Description	Area
(6)	Second Class	Jersey City	North of Main Stem, Van Vorst Street to Jersey Avenue; Plot 50 in Block 2145	24,613 Acres
State Board's 1922 Assessment.....		$ 984,520	or 40,000 an A.	(Vol. III, p. 1502)
State's Experts Valuation:				
Dunham		1,599,845	" 65,000 "	" " p. 1794
Graham		1,599,845	" 65,000 "	" " p. 1803
Singer		1,876,248	" 76,230 "	" " p. 1816
Railroad Witnesses Valuation:				
Huntley		492,260	" 20,000 "	" " p. 1666
Ryer		492,260	" 20,000 "	" " p. 1679
Morrison		369,195	" 15,000 "	" " p. 1708
Corbin		393,808	" 16,000 "	" " p. 1772
State Board's 1921 Assessment....		492,260	" 20,000 "	" " p. 1376
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjoining 3rd class R.R. prop. (Backland Lot 48-F in Block 2145).....		119 Atl. 99	50,000 "	
State Board's (1922) Final Determination.....		984,520	" 40,000 "	" " p. 1376
Supreme Court's Judgment.....		689,164	" 28,000 "	" " p. 1525

NOTE: (f) This property is a part of the Main Terminal Yard of the New Jersey Central R.R., and the facts stated and contentions made in NOTE (e) Supra, apply here.

CASE VI

Lehigh Valley Railroad Company of New Jersey:

Parcel	Class	Taxing District	Description	Area
(1)	Main Stem	Jersey City	Main Line Jersey Avenue to 160' West of Van Vorst Street	5.941 Acres
State Board's 1922 Assessment.....		$ 237,640 or	40,000 an A.	(Vol. III, p. 1594)
State's Experts Valuation:				
Dunham		386,165 "	65,000 " "	" " p. 1787
Graham		386,165 "	65,000 " "	" " p. 1802
Singer		386,185 "	65,340 " "	" " p. 1811
Railroad Witnesses Valuation:				
Huntley		148,525 "	25,000 " "	" " p. 1663
Ryer		126,406 "	21,277 " "	" " p. 1672
Morrison		148,525 "	25,000 " "	" " p. 1702
Corbin		111,348 "	18,764 " "	" " p. 1768
State Board's 1921 Assessment....		166,348 "	28,000 " "	" " p. 1375
Opinion of Court of Errors & Appeals, affirming Assessed Valuation for 1920 of adjacent 3rd class R.R. Property (Backland, Lot 48-F in Block 2145).....		119 Atl. 99	50,000 " "	
State Board's (1922 Final Determination		237,640 "	40,000 " "	" " p. 1375
Supreme Court's Judgment.....		178,230 "	30,000 " "	" " p. 1618

NOTE: (a) The above-described property is part of the Main Stem in the Main Line Terminal Yard of the Lehigh Valley Railroad Company of New Jersey. The Supreme Court reduced the valuation thereof to $30,000 per Acre, but affirmed an assessment of $55,000 per Acre on 2.433 Acres (Vol. III, pp. 1392, 1615) of Main Stem property in this yard, extending from Jersey Avenue to Washington Street, and contiguous to the Main Stem Stem Property here under review. In effect, the Court below said that these adjoining properties, in the same condition, devoted to the same use, and in the same ownership, had a difference in value of over 75%. The Supreme Court also affirmed an assessment of $65,000 per Acre for the remaining portion of the Main Stem Property in this Yard (2.835 Acres), extending from Washington Street to the exterior line for solid solid filling (Vol. III, pp. 1392, 1615).

Parcel	Class	Taxing District	Description				Area	
(2)	Second Class	Jersey City	Main Line 160' West of Van Vorst St. to center line of Jersey Avenue				25.673 Acres	
State Board's 1922 Assessment.....		$1,026,920 or	40,000	an A.		(Vol. III, p. 1		
State's Experts Valuation:								
Dunham		1,668,745 "	65,000	" "		" "	p. 1	
Graham		1,668,745 "	65,000	" "		" "	p. 1	
Singer		1,667,473 "	65,340	" "		" "	p. 1	
Railroad Witnesses Valuation:								
Huntley		579,375 "	23,000—	" "		" "	p. 1	
Ryer		546,245 "	21,000	" "		" "	p. 1	
Morrison		641,825 "	25,000	" "		" "	p. 1	
Corbin		481,752 "	19,000—	" "		" "	p. 1	
State Board's 1921 Assessment....		526,296 "	20,500	" "		" "	p. 1	
Opinion of Court of Errors and Appeals, affirming Assessed Valuation for 1920 of adjacent 3rd class R.R. Prop. (Backland, Lot 48-F in Block 2145).....		119 Atl. 99	50,000	" "				
State Board's (1922) Final Determination		1,026,920 "	40,000	" "		" "	p. 1	
Supreme Court's Judgment.....		770,190 "	30,000	" "		" "	p. 1	

NOTE: (b) This is a part of the Main Line Terminal Yard of the Lehigh Valley, was reduced by the Court below to $30,000 per Acre. Adjoining p property in this Yard (10.100 Acres) assessed at $55,000 per Acre (III, p. 1375),affirmed by Supreme Court because the assessment u review was not increased over the previous year (Vol. III, pp. 1392, 1 Remaining Second Class Railroad Property in this Yard (38.380 A increased by State Board from $55,000 to $65,000 per Acre, and affi by the Court below (Vol. III, pp. 1392, 1617).

The following is an Abstract of the Map in evidence (Exhibits P-2 and P-25, Vol. III, pp. 1659, 1724) to show relative locations of each parcel of Respondents' properties fronting on the New York Bay, the respective acreage assessed valuations thereof, the valuations of the Supreme Court reducing some and affirming others, and the valuations of adjoining third class railroad properties as affirmed by the Court of Errors and Appeals, in *Pennsylvania R. R. Co.* vs. *State Board, Supra.*


BAYONNE
NEW YORK BAY
HUDSON — RIVER
CENTRAL RAILROAD Co OF NEW JERSEY
LEHIGH VALLEY RAIL ROAD Co
LEHIGH VALLEY CANAL ROAD
NATIONAL DOCKS BRANCH
PENNSYLVANIA RAILROAD Co
NEW YORK BAY R.R. Co
BULKHEAD LINE
PIERHEAD LINE
PARCEL 1
343.137 ACRES
ASSESSED BY STATE BOARD AT $20,000 PER ACRE
REDUCED BY SUPREME COURT TO $ 15,000 " "
BLOCK 1507 PLOT 22-J
110.38 ACRES
ASSESSED VALUE $20,000 PER ACRE 1930
REDUCED BY COURT OF ERRORS AND APPEALS
88.365 ACRES
ASSESSED BY STATE BOARD AT $20,000 PER ACRE
REDUCED BY SUPREME COURT TO $15,000 " "
BLOCK 2159 PLOT 22-J
SOUTH - 120 ACRES
ASS. VAL. $20,000 PER AC.
CENTER - 103 ACRES
ASS. VAL. $25,000 PER AC.
NORTH - 102 ACRES
ASS. VAL. $30,000 PER AC.
THE ABOVE ASSESSED VALUES FOR 1930 CONFIRMED BY COURT OF ERRORS AND APPEALS
96.049 ACRES
ASSESSED BY STATE BOARD AT $25,000 PER ACRE
REDUCED BY SUPREME COURT TO 17,500 " "
84.724 ACRES
ASSESSED BY STATE BOARD AT $30,000 PER ACRE
REDUCED BY SUPREME COURT TO 20,000 " "
71.300 ACRES
ASSESSED BY STATE BOARD AT $40,000 PER ACRE
REDUCED BY SUPREME COURT TO 28,000 " "
PARCEL 2
26.776 ACRES
ASSESSED VALUE $35,000 PER ACRE 1930
REDUCED BY COURT OF ERRORS AND APPEALS
97.063 ACRES
ASSESSED BY STATE BOARD AT $65,000 PER ACRE
REDUCED BY SUPREME COURT TO $50,000 PER ACRE
38.980 ACRES
ASSESSED VALUE $50,000 PER ACRE 1930
REDUCED BY COURT OF ERRORS AND APPEALS
10.336 ACRES AT $75.00 PER ACRE
ASSESSED VALUE 1930
$53,000. PER ACRE
REDUCED BY COURT OF ERRORS AND APPEALS
ABSTRACT OF MAP IN EVIDENCE (EXHIBITS P-2, P-23, VOL. III, PP. 1659, 1724)
TO GIVE A RELATIVE LOCATIONS OF EACH PARCEL OF RESPONDENTS' PROPERTIES FRONTING ON THE NEW YORK BAY, THE RESPECTIVE ACREAGE VALUATIONS THEREOF, THE REDUCED VALUATIONS IN THE SUPREME COURT IN RESPECT TO SOME AND FURTHER AS TO OTHERS, AND THE VALUATION OF ADJOINING THIRD-CLASS RAILROAD PROPERTIES AS CONFIRMED BY THE COURT OF ERRORS AND APPEALS
Terminal Yard
Main Stem
3rd Class

Point II

The assessments were supported by the sales of shore-front properties in Hudson County.

The reduced valuations of Respondents' properties made by the Supreme Court are greatly below the market value thereof as of January 1st, 1921, the assessing date, as appears by the sales of comparable or substantially similar properties. As above pointed out, the witnesses for the railroad companies rejected the selling prices of substantially similar or comparable shore-front properties, which is the best evidence of market value, and relied solely upon *their opinion* as to value. They testified that there was such a wide dissimilarity between the lands involved in the sales and Respondents' properties that they could not make a comparison of value. They relied upon their speculative or estimated values instead of actual values as manifested by the sales. They repudiated the pronouncement of the court in *Long Dock Co.* vs. *State Board of Assessors,* 89 N. J. L. 108, that

> "There is enough similarity along this water-front to justify a comparison of values."

The experts for the State accepted all of these sales of shore-front property in Hudson County as sales at market value, and made a comparison of values between the properties involved in these sales and of those under review, in order to arrive at the true market value of these terminal yards, namely, what the railroads could have obtained for their properties in the market on the assessing date.

That sales are the best criterion of value is supported by the decisions of our Courts.

In *Budd* vs. *Van Orden,* 33 N. J. Eq. 143, Vice Chancellor Van Fleet said that:

> "The only absolute test we can have of the value of a merchantable article is what it has been sold for at a fair sale. All other means of ascertaining the value of a merchantable commodity are speculative and must, to a greater or less extent, be uncertain. A sale is a demonstration of the fact, while estimates, even by the best judges, are simply matters of opinion, which, at best, are only approaches to the fact. The sale in this case, I think, conclusively settled the value of the farm as between these parties. The defendant does not pretend that he obtained an exorbitant price by illegal means."

There is no evidence that the sales of the shore-front properties used by the State's witnesses in determining the values of Respondents' properties that the prices paid therefor were obtained by illegal means, and, in the absence of such testimony, the selling prices conclusively established the market values thereof.

Lehigh Valley R. R. vs. *Andrus,* 117 Atl. (N. J.) 152.

In *Butler Rubber Co.* vs. *Newark,* 61 N. J. L. 32, Justice Depue said that:

> "The market value of property is what would be realized by a sale of it if the owner put it in the market desiring to sell it, and effected a sale to a purchaser willing to buy."

In arriving at the valuation, as of January 1st, 1921, of Respondents' properties located on the Hudson River, the experts for the State relied largely upon the sales of shore-front properties made in 1920 by Lord Construction Co. to New York State Realty & Terminal Co., Edge Cliff Realty Corporation to New York Realty & Terminal Co., Delaware & Hudson Co. to Cunard Terminal Corporation (Ex. P. 24, Vol. III, p. 1722), as well as the Lease of land made in 1920 by the New York State Realty and Terminal Co. to Cunard Terminal Corporation, the rental of which was based upon the same unit value as the Cunard Terminal Corporation paid for the adjoining property which it purchased from the Delaware & Hudson Co. (Vol. II, p. 1318).

Evidently no weight was given by the State Board to the visionary testimony of Mr. Clark, the land and tax agent of the New York State Realty & Terminal Co., that he assumed what the value of the leased lands to the Cunard Terminal Corporation would be twenty-five years from the date of the lease, in view of the fact that the New York State Realty & Terminal Corporation purchased, in competition with three other prospective purchasers, just prior to the making of the lease, two tracts of lands substantially similar to and in the same locality and at the same price per acre as the lands leased; and also in the light of the testimony on cross-examination of Mr. Cook, Associate Director of the Cunard Steamship Company (Vol. II, p. 1318, ll. 20-32):

> "Q. Was that rental based upon an appraised or estimated value of the property leased?"
>
> "A. It was based in this way: We paid, as I have testified, two thousand dol-

> lars a running foot for the Delaware and Hudson property. As that adjoins the New York Central property, or the Realty Company's property, they placed the same value on their property for renting purposes. So the rental is determined on the basis of two thousand dollars a foot for twenty-four hundred, twenty-five hundred feet, at a rate of six per cent. interest."

These properties were all unimproved and were sold or leased on a basic valuation of about $65,000 per acre, and were substantially similar to and comparable with the adjacent Terminal Yard of the New York Central R. R. Company (the assessed valuation of which was also under review by the State Board, and the assessment thereof affirmed by the Supreme Court, because it was the same for 1922 as it was for 1921)—the difference being that the New York Central Yard was improved and the other lands unimproved.

Mr. Cook further testified on cross-examination on behalf of the Respondents that the Cunard Terminal Corporation acquired the property from the Delaware & Hudson Company in competition, and that the New York Central Yard as well as the property which it leased from the New York State Realty & Terminal Co. were just as available and adaptable to the uses of the Cunard Steamship Co. as the property which it purchased. (Vol. II, p. 1320, ll. 27-36; p. 1321, ll. 13-20.)

All of the witnesses for the State testified that the lands comprehended in the three sales and the lease above referred to were sold or leased at market value. Mr. Corbin, one of the witnesses for Respondents, testified that the sale of the Del-

aware & Hudson Co. property to the Cunard Terminal Corporation was a sale at full market value at the time the sale was made (Vol. I, p. 94, ll. 34-40; p. 96, ll. 20-40; p. 97, ll. 1-12), but that the other properties were sold or leased above market value. Respondents' other witnesses testified that the selling price of these three properties and the rental of the other were above market value. It was necessary for them to so testify in order to arrive at the low valuation which they placed upon the New York Central Yard, because of its great similarity and close proximity to the above properties. They relied upon the sales of land of Trombley to Lord Construction Co., Wood Cliff Land and Improvement Co. to Edge Cliff Realty Corporation, Jones to Lord Construction Co. and Edge Cliff Realty Corporation to Lord Construction Co. (which was a "wash" sale) as sales at market value, to reach the low value which they placed on the New York Central Yard. (Vol. III, p. 1722.)

The selling price in these sales was less than $30,000 per acre, and included land, a part of which was sold by the Lord Construction Co., and by the Edge Cliff Realty Corporation to the New York State Realty & Terminal Co., in 1920, at $65,000 per acre.

Although the Deeds for the Trombley, Wood Cliff Land and Improvement Co. and Jones properties were dated in 1920, the selling prices were fixed in 1918 and 1919 and, therefore, they did not partake of the higher market value which prevailed in 1920. Mr. Dunham's Testimony (Vol. II, pp. 877, 878, 879) as to the sale by the Wood Cliff Land and Improvement Co. to the Edge Cliff Realty Corporation, Dec. 30th, 1919, at $2,000,000 is as follows:

> "That sale, I think, was made at market value at the time of the sale. I have analyzed that sale, in fact I had made a previous appraisement of this property for the Wood Cliff Land and Improvement Co. The Contract was made from the Wood Cliff Land and Improvement Co. to the Weehawken Dry Dock Co. April 30th, 1918, for $2,000,000. The Contract was evidently transferred or assigned, because on Dec. 30th, 1919, the Wood Cliff Land and Improvement Co. sold the property not to the Weehawken Dry Dock Co., but to the Edge Cliff Realty Corporation."

The only way that the sales of property by Trombley, the Wood Cliff Land and Improvement Co., Jones, and the Edge Cliff Realty Corporation can be reconciled with the subsequent purchases by the New York State Realty & Terminal Co. of a part of the same property is that the former sales were made on the market of 1918, while the later sales were made upon the higher market value of 1920. Such an explanation harmonizes with the testimony of witnesses for both the State and Respondents, that shore-front properties on the Hudson River in Hudson County during the year 1920 reached their highest market value up to that time.

The other sales of Hudson River properties in 1920 were of little or no evidential value:—The sale by James Pyle & Sons to Lever Bros. Co. could not be used because of the substantial improvements on the land; the sale by Shamberg to Luckenbach Terminal, Inc., was a sale at market value, but the land was less valuable (by reason of its physical conditions) than Respondents'

lands on the Hudson River; and the other three sales by Argam Tanning Co. to Lever Bros. Co., Winterburn to Daniels, and W. O. Ross to Union Dry Dock Co., were all sales of industrial lands in Bergen County and not comparable with those of Respondents. (Vol. II, pp. 876, 877, 883.)

Based upon the foregoing, unimproved shore-front lands in the locality of the New York Central Yard had a market value of $65,000 per acre on January 1st, 1921. The Judgment of the State Board as of that date is only $45,000 per acre, which manifests that its assessment of the New York Central Yard, which is improved shore-front land, was greatly *below* market value.

The witnesses for the State made a comparison of values of the Hoboken lands (Vol. III, p. 1722) involved in the sale by the Ocean Steamship Co. to the Hudson Realty Co. in 1915 (at about $55,000 an acre), and by the Manor Real Estate & Terminal Co. to the Hudson Realty Co. in 1916 (at about $60,000 an acre) with the land purchased by the Cunard Terminal Corporation from the Delaware & Hudson Co. and the two purchases of land by the New York State Realty & Terminal Co. in 1920 (at about $65,000 an acre), as well as the Leased lands above mentioned. They did not consider or analyze the sales by American W. & T. Co., by Hamburg-American and by North German-Lloyd to United States of America, because they were all sales to the Federal Government and not within the standard or criteria of market value fixed by law.

The witnesses for the State and Respondents both testified that the Hoboken lands in these two sales made in 1915 *and* 1916 *were far more valuable per acre than the Weehawken and North Bergen lands in the three sales and the Lease made*

in 1920; *so that, if lands of a lesser value sold for a higher rate per acre in* 1920 *than more valuable lands sold for in* 1915 *and* 1916, *there must have been a great increase in the market value of these properties between* 1915 *and January* 1*st*, 1921.

The State's witnesses also showed that there had been an increase in the market value of shore-front properties in Hudson County between 1916 and January 1st, 1921, by comparing land near Exchange Place, Jersey City, which was sold in 1916 by the American Coal Co. to the International Elevating Co. (Vol. III, p. 1722) with the Weehawken and North Bergen Lands in the three sales and lease made in 1920.

The International Elevating Co. paid at the rate of $68,200 per acre for its land, which was improved, but without full riparian rights, and, according to the Testimony, was far more valuable per acre at the time of the sale than the lands involved in the three sales and the lease made in 1920. Again, showing a substantial increase in the value of shore-front property in Hudson County on the Hudson River.

Taking these three sales and lease made in 1920, at market value, the assessed values by the State Board of Respondents' lands situate in Hoboken and Jersey City, at from $87,000 to $96,000 per acre, respectively, are sustained. The lands of these Respondents are improved, and the Testimony of the railroad witnesses is that the lands of D. L. & W. R. R. Co. in Hoboken are 50 per cent. more valuable per acre, and the lands of the Penn. R. R. Co. in Jersey City 100 per cent. more valuable per acre, than those of the New York Central R. R. Co. in Weehawken and West New York; while the relative valuation of these lands by the State's

witnesses is that the D. L. & W. lands are 52 per cent. more valuable per acre and the Penn. R. R. Co. lands 63 per cent. more valuable per acre than the New York Central Yard, as shown by the Schedule. Infra, (p. 50 hereof), showing comparative acreage values.

As to the lands of Respondents on New York Bay, in Jersey City, the witnesses for the State used all sales of comparable or substantially similar properties but relied chiefly upon the sales of lands under water by the Lehigh Valley R. R. Co. to the Standard Oil Co. at the rate of upwards of $19,000 per acre in 1919, and the sale by John E. Andrus to the same Company of partially improved land at the rate of $25,000 per acre in 1920. (Vol. II, pp. 852-855; Vol. III, p. 1723.)

These two sales evidenced to the minds of the experts for the State the market value as of January 1st, 1921, of unimproved lands located on the New York Bay in Hudson County.

It is significant to note that the witnesses for the railroads rejected all sales of shore-front properties on New York Bay in Jersey City and Bayonne, except the sale by Packard to the Standard Oil Co. in 1916, and even some of Respondents' witnesses testified that that sale was made above market value. For instance, they rejected as sales at market value the purchases by the Lehigh Valley Harbor Terminal Railway Co. in 1916 of the four parcels of water-front land for its Terminal Yard, on New York Bay. The prices paid for them are as follows (Vol. III, p. 1723):

Morris & Cummings Dredging Co. Tract, 289.62 acres, at $8,853 per acre.

Currie Tract (narrow strip), 6.32 acres, at $6,500 per acre.

Vreeland Tract (back or interior land), 13.20 acres, at $7,545 per acre.

Welsh (Blair) Tract, 187.98 acres, at $5,340 per acre.

The parties interested in the Welsh Tract were very anxious to sell, and realized on the sale about the amount of the encumbrances against same. The experts for the State were of the opinion that for this reason and the prices paid for the other tracts, this property sold below market value (Vol. II, p. 85).

The lands involved in these four sales were practically all under water and sold, on an average, for about $7,500 per acre, and the Testimony of the railroad witnesses is that these lands were worth less than $5,000 an acre on January 1st, 1921, although in their opinion they were more valuable then than they were at the time of the sales. The experts for the State testified that the lands sold by Andrus and the Lehigh Valley R. R. to the Standard Oil Co. (which were substantially similar to or comparable with the Lehigh Valley purchases in 1916) indicated an increase of over 100% since 1916, in the value of shore-front property on New York Bay. The Railroad witnesses ignored these sales as well as the sale by the New York Bay R. R. Co. to the Lehigh Valley Harbor Terminal Railway Co. of backland attached to shore-front property in 1920 at $15,000 per acre (Vol. III, p. 1689) and the sale of adjacent interior lands by Currie to the Tide Water Oil Co. in 1919 at $15,000 per acre (Vol. III, p. 1689). The reason stated by them being that they were sales either to railroad companies or to industries, and that railroad companies generally paid more than market value for the properties which they pur-

chased, and that the same was true of industrial companies which acquired lands to increase their plants.

In *Central R. R. Co.* vs. *State Board of Assessors,* 49 N. J. L. 1, at 5, Chief Justice Beasley said:

> "There is no reason to suppose that land acquired by a railroad company, if sold in the market for railroad purposes, would not bring a sum equal to the cost of its acquisition."

And Vice Chancellor Backes, in determining the market value, which was the prices paid, of the lands purchased by the Standard Oil Co. from the Lehigh Valley and Andrus, said in the case of *Lehigh Valley R. R. Co.* vs. *Andrus,* Supra, that:

> "Counsel for the railroad companies urged that the prices paid by the Standard Oil Co. were higher than the market value because of the special availability of the tracts to its adjoining plant, and that this element should figure in the reckoning. The Standard Oil Co. was undoubtedly the most likely, but by no means the only possible purchaser. Each tract was, of and in itself, ample in area to invite industries commonly carried on in the locality. The negotiations were initiated at a time when the Standard Oil Company's business called for an expansion of its plant, but the emergency had passed and the scheme of enlargement had been dropped before the purchases were made. There was no pressing necessity for them acquiring either tract. The Standard Oil Co. simply took time by

> the forelock and paid no more than any other corporation, having use for and desiring the lands would have given."

And the Court below said (Vol. III, p. 1391):

> "We cannot accede to the suggestion on behalf of Prosecutors that railroad value is not market value or a proper test thereof. The pronouncement of this Court in the *Long Dock* Case, Supra, is to the contrary."

It is submitted that these sales of unimproved properties on New York Bay, in Jersey City and Bayonne, established a valuation of at least $20,000 per acre for virgin land there, as of January 1st, 1921, and that the judgment of the State Board of $20,000 per acre as of that date for the Terminal Tract of the Penn. R. R. Co. in the same locality but improved, was below market value. However, taking $20,000 per acre as the market value on the assessing date of that tract and comparing its value with the Lehigh Valley and New Jersey Central Yards, on New York Bay, the assessed valuations thereof are sustained.

The witnesses for Respondents and for the State both recognize the relative valuations of Respondents' shore-front properties on the Hudson River and New York Bay, and that there is an increase in value as you go south from the New York Central Yard in Weehawken to the Pennsylvania R. R. Co. Yard at Exchange Place in Jersey City, and a decrease in value as you go south from that yard to the Terminal Yard of the Penn. R. R. Co. at Greenville, Jersey City.

The following Schedule shows the comparative acreage valuations of Respondents' properties

and indicates the relative valuation per acre of each, as testified to by the witnesses for the Railroads and for the State: Taking the sale and lease to the Cunard Terminal Corporation and the two sales to the New York State Realty and Terminal Co. on the Hudson River, and the two sales to the Standard Oil Co. of property fronting on New York Bay, and the other sales relied upon by the experts for the State, at market value, and comparing the lands involved in these sales with Respondents' properties, the assessments thereof in each instance are supported and sustained, and, therefore, should have been affirmed by the Court below.

SCHEDULE SHOWING COMPARATIVE ACREAGE VALUES OF RAILROAD TERMINAL YARDS IN HUDSON COUNTY, N. J.

Fronting on	Location	Railroad	Frontage Feet	Area Acres	Average Value Per Acre R. R. Witnesses	Average Value Per Acre State Witnesses	Relative Values Per Acre R. R. Witnesses	Relative Values Per Acre State Witnesses
Hudson River	Weehawken West New York	N. Y. Central.....	6,712	237.536	38,269	75,410	100%	100%
"	Hoboken Castle Point	D. L. & W.....	545	16.136	59,256	87,040	155%	115%
"	"	"	333	7.621	55,187	84,707	144%	112%
"	"	"	69	1.525	53,779	116,560	141%	154%
"	"	Penn.	..	8.249	50,628	83,040	132%	110%
"	Hoboken Jersey City	D. L. & W.....	2,610	189.191	57,757	114,633	151%	152%
"	Jersey City	Erie	1,300	96.622	59,886	112,700	156%	149%
"	"	Penn.	1,830	105.517	64,271	112,700	168%	149%
"	"	"	1,105	37.119	77,173	123,263	202%	163%
"	"	Lehigh Valley.... Morris Canal Basin	810	33.369	53,267	87,040	139%	115%
Tide Water Basin	"	Lehigh Valley....	3,280	44.147	27,754	65,113	73%	86%
Hudson River	"	Central	2,500	162.160	32,601	68,743	85%	91%
New York Bay	"	"	950	71.300	17,914	49,317	47%	65%
"	"	"	860	84.724	13,977	39,520	36%	52%
"	"	"	800	96.049	15,995	37,853	42%	50%
"	"	Lehigh Valley....	835	88.365	14,162	30,167	37%	40%
"	"	Penn.	2,000	355.868	11,545	28,497	30%	38%
Kill Von Kull	Bayonne	Central	450	23.370	19,375	30,167	51%	40%

Point III

The assessed valuations of Respondents' properties were supported by the appraisals of the experts for the State who were eminently qualified.

The experts for the State were eminently qualified to give opinions as to the market value of Respondents' properties as of January 1st, 1921, and used legal principles in arriving at their valuations which supported the State Board's assessment in respect to each parcel of these properties.

The State's expert, Dunham, testified (Vol. II, pp. 794-796) that he was a civil engineer and had been Harbor Engineer of Jersey City since 1912; that he was a Director of the Raritan River Railroad; that he had made a study of all sales of shore-front properties in Hudson County, particularly for the last forty years, and that his study began about 1882; that he had been engaged for the past thirty years in the valuation of railroad properties; that he had made appraisements of many shore-front properties in Hudson County and in Bergen County; and that he recently had made a re-valuation of all property in Jersey City.

The State's expert, Singer, testified (Vol. II, pp. 977-984) that he was a real estate expert; that he had devoted twelve years to the study of shore-front properties in Hudson County; that he had been an assessor in the Town of Union for fourteen years last past; that he had made appraisements of shore-front properties in Hudson County and also in Bergen County; that he had appraised, for the City of Bayonne, property of the Central Railroad; that he had analyzed the sales of shore-front properties in Hudson County and was also

familiar with the location, surroundings and physical characteristics of the respective railroad properties here under review, and had appraised them for the purpose of testifying as to their market value as of January 1st, 1921.

The State's expert, Graham, testified (Vol. II, pp. 999-1008) that he was a real estate broker, specializing in commercial water-front properties all around New York Harbor, having places of business in New York City and Jersey City, and that he had been in this business over twenty years; that he was Chairman of the Committee of Water-Fronts and Terminals of the Real Estate Board of New York, which had jurisdiction over the whole Harbor of New York, and had held this position for upwards of ten years; that he had bought, sold and appraised a number of shore-front properties around New York Harbor, including the Jersey Shore; that, in 1919, he made a survey of New York Harbor for the American Sugar Refining Company and examined all available water-front properties in New York Harbor, and found that the ones available were principally on the Jersey Shore; that he was in negotiation for the purchase of the property sold by the Delaware & Hudson Company to the Cunard Terminal Corporation, prior to the sale thereof; that he endeavored to purchase for the American Sugar Refining Company shore-front property of the New York Central located in Weehawken, and from the Delaware, Lackawanna and Western shore-front property in Hoboken; that at that time he made a study of all the water-front properties in Hudson County; that he sold the Andrus property, the Packard property and the Delano property at Bayonne, which are included in the list of sales in evidence; that he had previously

been accepted as an expert and had testified before the present State Board, the Court of Chancery, and the United States District Court for the District of New Jersey, as to the value of shore-front properties; and that he was familiar with the area, conditions and uses of Respondents' properties on January 1st, 1921, and had made an appraisement of them for the purpose of testifying to their market value as of that date.

As heretofore stated, all of the experts for the State valued each Terminal property of the respective Respondents as unified tracts of land in one ownership and devoted to a railroad use; they accepted the sales of comparable or substantially similar properties as sales at market value at the time the sales were made; they made a comparison of values between the lands involved in the sales with the Respondents' lands; they testified that there was sufficient similarity of the shore-front properties along the Hudson River and New York Bay to justify a comparison of values of the respective properties on each shore-front; they did not use the values of interior building lots to determine the values of these railroad properties devoted to railroad uses.

The opinions of value they gave were based on facts and not assumptions. The Testimony of the State's expert, Dunham (Vol. II, pp. 807-977), is a great revelation of a most intimate technical knowledge of the value of shore-front properties in Hudson County. In itself it is a wonderful exposition of facts and logic, in arriving at his opinions of the values of these properties. The other witnesses for the State were practical experts on the value of shore-front properties. The Summary of the Testimony under Point I hereof shows that their appraised valuation of each parcel of Re-

spondents' properties supports the State Board's assessments.

Point IV

The appraisals made by witnesses for the railroad companies were erroneous, and far below the judgments of the Supreme Court.

A reference to Point I hereof will show that the valuations placed upon Respondents' properties by the railroad witnesses are millions of dollars less than the reduced valuations of the Supreme Court, and that in many instances their appraisals were far below the State Board's Assessments for 1921, *although the railroad witnesses testified that these properties were more valuable on the assessing date in question than for the previous year.*

Contention is here made that the witnesses for the railroad companies used erroneous principles and illegal rules in arriving at the valuation of Respondents' properties. All of these witnesses, except Huntley, zoned these terminal yards of Respondents, and placed a different valuation upon each zone in the yard, using a front foot rule to arrive at the valuation of the front portion to whatever depth they determined, and valuing the residue by the acreage or square foot rule.

The experts for the State, as well as the Court below, valued these properties by the acre, as they were assessed by the State Board.

In determining the value of a tract of shore-front property the area, the location, surroundings, accessibility and its particular adaptability to the purposes for which it is or may be used

must always be considered. Its adjacency to tidewater is a circumstance which enters into its valuation in so far as the market value of the land is enhanced by reason of its frontage on the water. Its adjacency, proximity or accessibility to tidewater may extend within reasonable limits, more or less indefinitely as an element of value, but every part of a tract of shore-front property depends for its value in some measure on every other part. Therefore, when a piece of shore-front property is in one ownership and the whole is particularly adapted to a certain enterprise, industry or utility and is or may be devoted to that enterprise, industry or utility, it must be valued as an entire tract on an acreage or square foot valuation rather than on a front-foot valuation.

Long Dock Co. vs. *State Board of Assessors,* 89 N. J. L. 108.

New York etc. vs. *Yard,* 43 N. J. L. 632.

To illustrate this point, the Cunard Terminal Corporation purchased on August 26th, 1920, from the Delaware & Hudson Co., in competition with another bidder, a piece of shore-front property for $2,256,500, which was at the rate of about $65,000 an acre or $2,000 a front-foot.

The Contract or Deed for the purchase of this property recited that the consideration was $2,000 a front-foot. The evidential force, however, of this sale is that the Cunard Terminal Corporation paid about $2,250,000 for a tract of shore-front property in Weehawken, on the Hudson River, in Hudson County, having a frontage of 1,100 feet, a depth of 1,400 feet and an area of 35½ acres, particularly adapted to a steamship or railroad use. The experts for the State, and Mr. Corbin for the Railroads, testified that the property involved in that sale was sold at market value.

Of equal significance were the sales in March, 1920, to the New York State Realty & Terminal Co. of the two tracts immediately north of the Terminal Yard of the New York Central, which were similar in location, surroundings, accessibility and adaptability to the Cunard property. One of these tracts sold for $900,000 or at the rate of a little less than $65,000 an acre or $1,500 a front-foot, and the other for $600,000 or at the rate of a little more than $65,000 an acre or $1,500 a front-foot. The properties involved in these two sales have a frontage of 1,000 feet and an average depth of about 1,000 feet and an area of a little over 23 acres. These properties being purchased by the New York State Realty & Terminal Co. in competition with three other prospective purchasers were also sales at market value.

It is to be noted that the New York State Realty & Terminal Co. purchases, although of about the same frontage as the Cunard property, is 400 feet less in depth, and sold at $500 less a front-foot, yet the acreage value of all are the same.

Obviously, the purpose of the railroad witnesses, in using these two rules, was to reach their low valuations because they used the selling prices of interior lands and building lots to determine the value of the rear portions of these shore-front properties.

The zoning of railroad property devoted to railroad uses, for the purpose of arriving at its market value, is illegal and contrary to the decisions of our Courts.

In *Long Dock* vs. *State Board of Assessors*, Supra, the Supreme Court had before it the valuation of the Terminal property of the Erie R. R. System, here under review, and in that case the Court said:

"This is a great Terminal Property opposite New York City, and which, while in fact connected with the Long Dock Railroad, might be connected with any other railroad now operating from the Jersey side, or that might be organized so as to operate. If the Erie Railroad Company should go out of business, it could be used for a terminal connecting with all the railroads terminating between Communipaw and Weehawken. Taken by itself, it is a great *unified tract* with deep water in front and railroad communications behind."

"We think it is idle to argue, as do Prosecutors' experts, that it is to be split into two, three, or four or more zones, each to be valued separately. Every part of this main tract depends for its value in some measure on every other part. There are tracts of land elsewhere that are worth more when cut up into building lots, and there are also tracts worth more because assembled and peculiarly adaptable to business. This is one of the latter class."

And this Court, on affirmance, said, 90 N. J. L. 701, that the legal questions were rightfully decided by the Supreme Court.

It is submitted that the value of shore-front property cannot be determined by the rules of valuation applicable to building lots. In respect to building lots, an area of 25 feet frontage by 100 feet in depth has been fixed as the desirable, available and standard size, and the unit of value. Therefore, when you add to the depth of a building lot, you do not increase the value of the whole proportionately, as you do in respect to shore-front property, which increases in value as it in-

creases in area until it reaches the size of greatest economy and efficiency for the uses to which it is or may be devoted. All of which demonstrates that the value of shore-front property must be based upon acreage value, which comprehends frontage, depth, area and all the other elements which go to make up values, rather than upon a front-foot valuation.

The Court below, therefore, was not justified in relying upon the appraisals of Respondents' properties by the railroad witnesses in making its reductions. Furthermore, these appraisals were millions of dollars below the valuations as determined by the Supreme Court and therefore do not support them.

Point V

The Supreme Court did not base its reductions upon the evidence.

As appears by the Summary of the Testimony under Point I hereof, there is no evidence to support the reductions made by the Court below. The Testimony of the experts for the State, in respect to the valuation of each parcel of Respondents' properties, the market value thereof as manifest by the sales of comparable properties, and the opinion of this Court affirming the assessed valuations of adjoining third class railroad properties all support and sustain the original assessments. The only testimony to the contrary is that of the railroad witnesses, but their valuations are so far below the Judgments of the Supreme Court that they lend no support to the reductions.

(a) The Court below evidently disregarded the evidence on behalf of the State, and HELD

that valuations by a divided Board should be determined according to the circumstances (Vol. III, p. 1392*).*

It is submitted that the valuation of railroad property, on review before the Supreme Court must be determined by the same rules, whether the final determination of the State Board be by unanimous or majority vote.

As was said by Supreme Court in *Lehigh Valley Railroad Co.* vs. *State Board of Taxes and Assessment* (not reported), in respect to assessed valuations for 1920 of third class railroad property, affirmed by this Court on appeal, 119 Atl. 99, 100 the criterion is, "Does the evidence support the findings?"

The evidence in the instant cases was overwhelming in support of the assessments.

(b) The Supreme Court also said in reducing the assessed valuations of Respondents' properties that it was unable to agree that such great advance in one year was fairly supported by the evidence.

In *Lehigh Valley Railroad Company* vs. *State Board of Taxes and Assessment,* Supra, the Supreme Court said:

> "It is not the advance in value from one year to another that fixes taxable value, but its present true value is the question for determination."

(c) The Court below further said, in reducing the valuation of other items, that it considered the advances excessive and placed upon them what it thought the properties could bear (Vol. III, pp. 1394, 1395*).*

The Court below, manifestly did not base its reductions upon the evidence as to the market value of the properties but used its own judgment as to value.

It is, therefore, submitted that the Court below used erroneous principles in reducing the assessed valuation of Respondents' properties.

Point VI

There was no "palpable error" in the assessments, and the Supreme Court should have affirmed them.

As pointed out above, the evidence on behalf of the State supported and sustained the assessed valuation of each parcel of Respondents' properties. In fact, the experts for the State testified to higher valuations than those fixed by the State Board. The decisions of our Courts are to the effect that the Supreme Court under the Railroad Tax Act has no right to interfere with the valuations of the State Board except for "palpable error."

In *Central Railroad Company* vs. *State Board of Assessors,* 49 N. J. L. 1, Chief Justice Beasley said:

> "We do not consider that we have the right to alter or annul any of the proceedings of this body of officers except for palpable error, for it is not to be overlooked that the statute in question expressly declares that these assessors shall be entitled to use their personal knowledge and judgment as to the value of property, a ca-

> pacity with which this Court is not endowed by the Legislature."

and Mr. Justice Swayze, speaking for this Court, said in *Long Dock Co.* vs. *State Board of Assessors,* 86 N. J. L. 592:

> "This palpable error did not appear in that case (Central R. R. Co., Supra) since the Prosecutors failed to show that the valuation might not be justified by the personal knowledge of members of the State Board, which the Court did not possess."

and in *Long Dock Co.* vs. *State Board of Assessors,* 82 N. J. L. 21, Mr. Justice Garrison said:

> "The valuations on which the present assessments were made is supported by the return of the State Board, to which the Legislature has given express authority 'to use their personal knowledge and judgment as to the value of property.' It is also supported by some of the testimony taken under these writs while opposed by other testimony so taken. We are unable to say that the latter testimony so preponderates as to overcome the judgment of the Board, and the testimony that supports it, as to make it our clear duty to substitute our judgment for the State Board upon a question of value. If it were a question of law our opinion might be of more worth than that of an administrative board, but upon a question of value the presumption is rather the other way,"

and refused to disturb the assessments of the State Board.

See also, *Perth Amboy* vs. *Board of Public Utility Com'rs,* 118 Atl. (N. J. L.) 782.

In the instant cases, the Court below did not find that the testimony of the railroad witnesses preponderated the testimony of the experts for the State. Appellants' testimony as to valuations supported the assessments, but Respondents' testimony was far below the Judgments of the Supreme Court, and in many instances below the State Board's assessments for the previous year. Surely, the latter could not outweigh the assessments at bar.

The case of *Long Dock Co.* vs. *State Board of Assessors,* 86 N. J. L. 592, Supra, is just the antithesis of the instant cases, because the experts on *both* sides in that case testified to valuations less than those determined by the State Board, and the Court there said that

> "There is no evidence here to sustain the valuation adopted by the Board. All the evidence is for a valuation many hundred thousand dollars lower. In this situation there is presented the very case of 'palpable error' in the valuation to which Chief Justice Beasley referred."

The Court, in that case, also said:

> "Where there is conflicting evidence the Court may properly refuse to interfere with the decision of the State Board who may have decided upon the weight and value of the evidence before them, in the light of their own knowledge, whatever it may have been, as jurors may and as the statute permits."

It is submitted that the gist of these decisions is that the State Board is entitled to use its personal knowledge and judgment as to the valuation of railroad property, and if, on review by it of its original assessment there is evidence to support same or the evidence as to value conflicting, the Supreme Court should not disturb it.

In *Long Dock Co.* vs. *State Board of Assessors,* 86 N. J. L. 592, Supra, the valuation by the State Board being in excess of the valuations as testified to by experts for both sides, the Court held that it was necessary for the State Board to show that its members possessed knowledge of valuation not possessed by the experts, in order to support the State Board's valuations.

But, in *Central Railroad Company* vs. *State Board of Assessors,* Supra, Chief Justice Beasley held that where there was evidence to support the assessment the Court would not interfere, because the valuation might be justified by the personal knowledge of members of the State Board, which the Court did not possess.

In the instant case there *was* evidence to support the final determinations of the State Board, and if the Court below had the right to reduce them, in the light of this supporting evidence, the provision of the Railroad Tax Act, which entitles the members of the State Board to use their personal knowledge and judgment as to the value of railroad property is of no effect, which, we submit, is contrary to the above decisions of our Courts.

For the reasons above stated, *it is respectfully submitted* that the several Judgments of the Court below should be *reversed* and the final determinations of the State Board *affirmed.*

EDWARD P. STOUT,
Counsel for Appellants.